



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

Policy n° 2000-CA-03:	Reconsideration of a Decision Affecting a Student		
Approved: March 22, 2000	Resolution n°	000322-CA-0177	
Revised:	Resolution n°	CC-141112-CA-0065	CC-210623-CA-0138
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 policy sets forth the right of a student or their parents to appeal a decision affecting this student and rendered by the council of commissioners, the executive committee or the governing board, or by an officer or an employee of the school board.

## 2.0 OBJECTIVES

The objectives of this policy are notably the following:

- to facilitate the implementation of the relevant sections of the *Education Act* (CQLR, chapter I-13.3);
- to ensure that each request to reconsider a decision is disposed of within a reasonable period, with rigour and objectivity, in order to render justice to the student or the parents of a student exercising their rights;
- to encourage the revision of a decision by the authority closest to where the decision was made and to the satisfaction of all interested parties.

## 3.0 REFERENCES

This policy is established in accordance with sections 9 to 12 of the *Education Act* as well as with by-law no. BL2009-CA-19: *By-Law Establishing Procedures for the Examination of Complaints from Students or Their Parents (the By-Law)*.

## 4.0 DEFINITIONS

### 4.1 Student:

A student enrolled in preschool education services, in elementary or secondary school education services, or in an adult education or vocational training centre under the responsibility of the Sir Wilfrid Laurier School Board.

#### **4.2 Parent:**

The person having parental authority or, unless that person objects, the person having custody *de facto* of the student.

#### **4.3 Interested parties:**

- The student or their parents and, in some instances, their representative;
- The author or authors of the contested decision.

#### **4.4 Appellant/Complainant:**

- The student affected by a decision or the parents of this student who are requesting the school board to reconsider a decision which affects them because they feel their rights have been infringed upon.

### **5.0 RESPONSIBILITIES**

#### **5.1 School board:**

- Every year, the school board must provide students and their parents as well as the personnel with general information on the content of sections 9 to 12 of the *Education Act*.
- The school board must dispose of a request to reconsider a decision without delay.
- Upon receipt of a request to reconsider a decision submitted by a student or the parent of a student, the secretary general must explain the policy to the appellant and provide them with a form on which the appellant describes the reasons why they are asking the school board to reconsider the decision.

#### **5.2 Appellant:**

- The appellant's request shall be made in writing and shall briefly set forth the grounds on which it is made. It must be submitted to the secretary general on the appropriate form as stipulated in section 5.1 herein.
- The appellant must remain civil, respectful and cooperative throughout the process.

### **6.0 APPEAL PROCEEDINGS**

#### **6.1 Concordance with the By-Law**

- Before submitting a request to reconsider a decision, the student or their parents must have followed the steps outlined in section 6.1 of the By-Law.
- If a complainant remains dissatisfied with the outcome of their complaint and still wishes to appeal the decision after following the steps outlined in section 6.1 of the By-Law, a written request must be sent to the secretary general in conformity with section 6.2 of the By-Law.
- The request must be made on the form entitled *Request to reconsider a decision concerning a student* (Annex 1) and submitted to the secretary general within thirty (30) days of notification of

the decision. The secretary general shall assist the student or parents of a student requiring assistance in formulating their request.

- Upon reception of the written request, the secretary general will determine the admissibility of the complaint by notably ensuring that due process was followed in accordance with sections 6.0 and 7.0 of the By-Law.

## **6.2 Appeal to the Appeals Review Committee**

- When a complaint is deemed admissible and the secretary general determines that the criteria pursuant to Section 9 to 12 of the Education Act are met, the request for appeal must be forwarded to the Appeals Review Committee.
- The secretary general must advise the appellant and the author of the decision under consideration as well as the author's immediate superior and the director general that the request has been transmitted to the Appeals Review Committee.

# **7.0 APPEALS REVIEW COMMITTEE**

## **7.1 Functions**

The functions of the Appeals Review Committee include the following:

- To receive and review all requests to reconsider a decision.
- To give all interested parties the opportunity to present their points of view.
- To hear the points of view of experts, if need be.
- To submit its recommendations in writing to the council of commissioners.

## **7.2 Composition**

- The Appeals Review Committee is composed of five (5) commissioners and the director general or their delegate. The secretary general may attend a meeting of the committee as a resource person, but cannot take part in the deliberations as the latter is not member of the committee. The director general or their delegate participates in the deliberation but is not entitled to vote.
- The chair of the Appeals Review Committee will be elected from among the five (5) commissioners.
- The secretary general will convene the members of the committee. The members of the committee are appointed by council resolution and according to the modalities determined by council of commissioners.
- A member who is in a conflict of interest must abstain from participating in the meeting and so inform the director general or their delegate.

## **7.3 Quorum**

- The quorum of the Appeals Review Committee is established at three (3) commissioners.

#### **7.4 Hearing**

- The Appeals Review Committee determines the persons who will be called upon to present their points of view (interested parties, experts), as well as the time and the order in which they will be heard.
- The secretary general will convene verbally, or in writing if there is sufficient time, the persons to be heard. These persons may be called once again before the committee to provide additional information.
- Hearings are held in camera and in the presence of all parties concerned.

#### **7.5 Follow-up**

- After the hearing, the members of the Appeals Review Committee debate on the request.
- As soon as possible after reaching a decision, the chairperson of the committee must present a report to the council of commissioners, which includes the request and the committee's recommendations.
- The appellant is informed of the date, time, and place at which the council of commissioners will receive the recommendations of the Appeals Review Committee.

### **8.0 DECISION OF THE COUNCIL OF COMMISSIONERS**

- 8.1** The council of commissioners has the power to make the decision which, in its opinion, ought to have been made in the first instance.
- 8.2** The council of commissioners will consider the recommendations of the Appeals Review Committee. If it considers that the appellant's request is founded, it may overturn, entirely or in part, the decision contemplated by the Appeals Review Committee.
- 8.3** The decision of the council of commissioners is final.

### **9.0 NOTIFICATION OF COUNCIL'S DECISION**

- 9.1** Within five (5) working days of the meeting of the council of commissioners, the secretary general must communicate the council's decision to the appellant and provide the grounds on which it was made. The resolution adopted by council must also be forwarded to the author of the contested decision and to their immediate superior. Copy of said resolution is placed in the student's file.
- 9.2** As stipulated in section 7.6 of the By-Law, the appellant retains the right to have their complaint examined by the student ombudsman should they be dissatisfied with the decision of the council of commissioners.



## **10.0 REVISION OF THE POLICY AND FINAL SECTIONS**

**10.1** This policy is revised on an as-needed basis.

**10.2** The appendix is subject to change as needed and without a council resolution.

**10.3** The secretary general may be replaced by the assistant director of Corporate Affairs and General Secretariat when absent, unable to act or should a conflict of interest arise.



## REQUEST FOR THE RECONSIDERATION OF A DECISION AFFECTING A STUDENT

## STUDENT'S IDENTIFICATION

FAMILY NAME ..... FIRST NAME .....

STUDENT'S PERMANENT CODE .....

FILE # .....

DATE: .....

PARENT'S NAME .....

FATHER ☐MOTHER ☐LEGAL GUARDIAN ☐

ADDRESS ..... POSTAL CODE .....

TELEPHONE HOME (.....) ..... WORK (.....) ..... CELL (.....) .....

SCHOOL ATTENDED ..... SCHOOL TELEPHONE .....

LEVEL .....

PRINCIPAL .....

## NATURE OF THE REQUEST

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**INSTRUCTION:** ONCE COMPLETED AND SIGNED, THIS FORM WILL BE SENT TO THE SECRETARY GENERAL OF THE  
SIR WILFRID LAURIER SCHOOL BOARD, M<sup>E</sup> ANNA SOLLAZZO, AT THE FOLLOWING EMAIL ADDRESS:  
[JTHOMPSON@SWLAURIERSB.QC.CA](mailto:JTHOMPSON@SWLAURIERSB.QC.CA).

STUDENT'S NAME .....  
 .....  
 FAMILY NAME FIRST NAME

**NATURE OF THE REQUEST (cont'd)**

[illegible]

ATTACH ADDITIONAL PAGE IF NECESSARY.

Signature

STUDENT ☐FATHER ☐MOTHER ☐

LEGAL GUARDIAN ☐