

BY-LAW NO. 14-EXAMINATION OF COMPLAINTS ON MATTERS OTHER THAN SERVICES RENDERED TO STUDENTS		Adopted: June 27, 2023
		Effective: September 15, 2023
<i>Source:</i> Education Act (EA) Secretariat General	<i>Adopted:</i> ETSB 23-06-93 2023-06-27	<i>Reference Number:</i> B014

REFERENCE

The present by-law is established in accordance with The Quebec Education Act, (R.S.Q. c. 113.3, section 220.2)

OBJECTIVE

The goal of this by-law is to find a satisfactory solution for everyone when there is a complaint from someone against a school/centre or the school board. It establishes the process to be followed when a situation cannot be resolved, and the complainant wishes to file a complaint with the school board.

This By-law applies only to certain types of complaints.

COMPLAINTS ADDRESSED BY THIS BY-LAW

The complaints addressed by this By-law include everything other than:

- Complaints made under the Act Respecting the National Student Ombudsman;
- Complaints against a teacher for a serious fault committed in the exercise of their functions or for an act which is derogatory to the honour or dignity of the teaching function in application of section 26 and following of the Quebec Education Act;
- Complaints resulting from the filing of a disclosure of wrongdoing. The procedure outlined in the Procedure to facilitate the disclosure of wrongdoings must be followed in those cases;
- Complaints of a business in the tendering or awarding of a public contract. The procedure outlined in Procedure for receiving and examining complaints filed in the course of the tendering or awarding process for a public contract must be followed in those cases.

DEFINITIONS

The following terms are used in this By-law:

- **School Board:** Eastern Townships School Board
- **Complainant:** Student, parent, or citizen who files a complaint
- **Complaints Officer:** The person that is designated as such to be in charge of processing complaints

PRINCIPLES USED IN RESOLVING A COMPLAINT

The Eastern Townships school board shall be administered by a council of commissioners composed of appointed or elected members including a chair, elected or appointed under the Act respecting school elections (chapter E-2.3);

The members of the council of commissioners must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school board and the population served by the school board.

The school board recognizes someone's right to disagree with a decision, an action, or an omission on the part of its representatives, as well as the right to state this and to ask that the situation be rectified.

The complaint resolution process must be respectful of all those involved and be done diligently, meticulously, equitably and be impartial and with openness.

Ideally the complaint will be resolved by the persons directly involved in the situation or their immediate superior.

The search for a solution shall take into account the best interest of the student body, the complainant, and of the school board.

The complainant has the right to be accompanied by the person of their choice in all steps of the procedures of the examination of complaints but that person may not speak on the complainant's behalf.

COMPLAINT PROCESS

The process is the same whether the complaint is verbal or written. At each stage, the complainant or the person involved may present their observations in order to facilitate the complaint resolution process. The response of the person involved may be in the form of a verbal response.

There are two steps in the complaint resolution process:

- **First Step:** The complainant should communicate first off with the person directly involved which could be a commissioner, the school, the centre or with a department of the School Board to give their point of view and to try to find a solution. A response must be given to the complainant within ten (10) working days from receipt of the complaint. If the person or the administration maintains their decision, they will give their reasons to the complainant.
- **Second Step:** A complainant who is not satisfied with the response, may file a written complaint with the Complaints Officer, who will have fifteen (15) working days from the date the complaint was received to give a response. The complainant and the person involved in the complaint will have an opportunity to give their respective points of view. The Complaints Officer will attempt to mediate between the two parties in order to find a solution. If mediation fails, the decision of the administration will stand. 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.

The Complaints Officer may process a complaint even if the previous step has not been completed, when the intervention is deemed necessary to prevent the Complainant from suffering harm.

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.

RESPONSIBILITY

The Secretary General is responsible for the application of this By-law.