



REGISTER OF OFFICIAL DOCUMENTS

By-Law 9 Complaint Process

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Note the addenda are for reference and administrative purposes. Addenda are subject to updates and modifications without consultation.

In this policy, gender-neutral or collective form has been used whenever possible in the context.

For questions, comments or complaints concerning the application of this policy, you may contact the Complaints Officer or go to the LBPSB website at

<https://www.lbpsb.qc.ca/council-of-commissioners/policies-and-by-laws/complaints process>



1. PREAMBLE

This by-law indicates how to make a complaint or a report related to the services or the functions of the school board and who can do so in each case.

1. Complaints or reports related to the **services** of the School Board

The ***Act Respecting the National Student Ombudsman*** establishes a complaint or reporting procedure **for students, including international students, homeschooled children and their parents** who are dissatisfied with a **service** they received, are receiving, ought to have received or require from the school board. Specifically, three (3) types of complaints fall under the Act:

- **Type A - Regular Complaints (other than Type B or C)**
- **Type B - Bullying or Acts of Violence Complaints**
- **Type C - Sexual Violence Complaints**

2. Complaints or reports related to the **functions** of the School Board (complaints/reports **other** than those covered above)

Any person can make a complaint or a report related to the **functions** of the School Board (s. 220.2 of the Education Act). The functions of the School Board generally relate to financial and material resources, for example: a tree at risk of falling on a neighboring property or a supplier's contract.

Note that for complaints related to the work environment, staff members should refer to their collective agreements, the applicable labour laws or otherwise more specific policies and by-laws of the School Board.

- **Refer to item 9. Complaint Process - Part 4**



2. LEGISLATIVE REFERENCE

The present by-law is established in accordance with the Act Respecting the National Student Ombudsman and s. 220.2 of the Education Act.

Notwithstanding the above, whenever a more specific law, regulation or decree applies to a complaint, these shall be applied. In such cases, the present by-law does not apply.

3. OBJECTIVES AND PRINCIPLES

3.1. The present by-law:

- 3.1.1. **Establishes** the procedure for the examination of complaints relating to services to students, homeschooled children and their parents as per the Act Respecting the National Student Ombudsman as well as to functions of the school board under section 220.2 of the *Education Act*.
- 3.1.2. **Encourages** and prioritizes amicable solutions to complaints whenever possible, placing an emphasis on cooperation, collaboration and understanding between the complainant and the representatives of the School Board.
- 3.1.3. **Recognizes** the importance of the school community.
- 3.1.4. **Establishes** a complaint resolution process respecting legal delays and favoring diligence, equity, and impartiality while emphasizing respect for all.
- 3.1.5. **Establishes** an expectation of civility in all verbal and written communications from anyone involved in the complaint process, including on social media¹.

4. DEFINITIONS

4.1. For the purposes of the present by-law, the following terms are deemed to mean:

- 4.1.1. **Complaint:** Concern(s) communicated by a person affected, by a parent or guardian affected, or on behalf of their minor child² regarding the services or the functions of the School Board. A person who makes a complaint is referred to as a complainant. A follow-up will be provided to them and information will be disclosed to them to the extent allowed by law.
- 4.1.2. **Report:** Concern(s) communicated by a third party or by a person who wishes to remain anonymous, regarding the services or functions of the School Board. Any report will be handled but no follow-up will be provided to the party who made it as personal information is confidential and cannot be disclosed by law.

¹ Also refer to the Code of conduct for parents/guardians/visitors

<https://www.lbpsb.qc.ca/wp-content/uploads/2.7-Policy-on-Safe-and-Caring-School-2022.pdf>

² Refer to s. 153 of the Civil Code of Québec: “Full age or the age of majority is 18 years. On attaining full age, a person ceases to be a minor and has the full exercise of all his civil rights”.



- 4.1.3. **Complaints Officer:** Person designated by the school board in charge of processing complaints in accordance with the Act Respecting the National Student Ombudsman and s. 220.2 of the Education Act.
- 4.1.4. **Parent:** Defined at section 13 of the Education Act as the person having parental authority, or unless that person objects, the person having custody de facto of the student (i.e. includes guardians).
- 4.1.5. **Bullying:** Defined at section 13 of the Education Act as any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes a person.
- 4.1.6. **Violence:** Defined at section 13 of the Education Act as any intentional demonstration of force (verbal, written, physical, psychological or sexual) which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.
- 4.1.7. **Sexual violence³:** Specific provisions concerning sexual violence were introduced by the Act respecting the National Student Ombudsman. This form of violence is committed through sexual practices or by targeting sexuality, including sexual assault. It also refers to any other misconduct, including that relating to sexual and gender diversity, in such forms as unwanted direct or indirect gestures, comments, behaviours or attitudes with sexual connotations, including by a technological means.
- 4.1.8. **Working days:** Days on which the school board is open.

5. RIGHTS OF THE PARTIES

The Act respecting the National Student Ombudsman states the following:

- 5.1. The complainant, and the person directly concerned by the complaint, or their immediate supervisor, will have an opportunity to be heard.
- 5.2. A complainant has the right to be accompanied by the person of their choice in all steps of the procedure, but the person may not represent the complainant.
- Employees and witnesses will follow the investigation process determined by the law and the procedures of the School Board or of the Regional Student Ombudsman.

³ For this definition, the National Student Ombudsman refers to the Act to prevent and fight sexual violence in higher education institutions.



- 5.3. The School Board will take the necessary measures to protect against reprisals 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 PROCESS – PART 1

Regular Complaints (Type A)

PART 1 - STEP 1: Complaint to the person directly concerned or that person's immediate supervisor

- 6.1 If you wish to make a complaint, you must file it via email or by phone, or in person, with the **person directly concerned by the complaint** or with the person's **immediate supervisor**. If your complaint pertains specifically to the content of an individualized education plan (IEP), you may raise it with a staff member or directly to the Principal or Centre Director⁴.

Information which must be provided at the time of registering your complaint⁵:

- Your name and the full name of your child, if applicable.
- The name of the person directly concerned by or related to the complaint.
- A clear description of your complaint, including specific details and events that form the basis of your complaint.

You must also at the same time:

- Specify the decision(s) you wish reviewed and the expected outcome.
- Provide all other relevant information, as well as all documentation you find relevant and wish to submit.

If a staff member receives the complaint, they must inform without delay the Principal or Centre Director in writing that a complaint was filed.

- 6.2 The person concerned or their supervisor must process your complaint within **10 working days** of having received it.

IMPORTANT: To accurately establish when the process begins, it is recommended that you state that you would like to begin the complaint process⁶.

⁴ Refer to the Students with Special Needs: Policy on the Organization of Services (<https://www.lbpsb.qc.ca/wp-content/uploads/Student-Special-Needs-Summer-2021.pdf>)

⁵ Refer to the Regulation respecting the procedure for filing and processing complaints (<https://www.legisquebec.gouv.qc.ca/en/document/cr/P-32.01,%20r.%200.1%20/>)

⁶ Web Complaint Form (Complaints Officer's level): <http://pne.gouv.qc.ca/formulaire.rtp/en>



6.3 If you are:

- **Satisfied** with the processing of your complaint by the person concerned or their supervisor, the complaint will be considered closed, and no further action will be taken.
- **Dissatisfied** with the processing of your complaint and/or wish the decision of the person concerned by the complaint/their immediate supervisor reviewed, **or** if your complaint has not been processed within 10 working days after it is received, you may move on to **Part 1 - Step 2** (Complaint to the Complaints Officer).

PART 1 - STEP 2: Complaint to the School Board's Complaints Officer

6.4 You may refer the complaint to the Complaints Officer at the School Board:

Web Complaint Form: <http://pne.gouv.qc.ca/formulaire.rtp/en>

Email Address: co@lbpsb.qc.ca

Phone number: 514-422-3000 ext. 30370

6.5 The Complaints Officer will ensure that the complaint is processed **within 15 working days** of receiving the complaint.

6.6 Before a written opinion on the merits of the complaint is provided to you, you must have an opportunity to be heard. The person concerned by the complaint, or their immediate supervisor must have the same opportunity. The possibility to remedy the situation must also be explored with all parties.

IN SOME INSTANCES, the following may apply:

- a) If it is considered that your complaint involves employees and is of a disciplinary nature, including a serious fault or derogatory act by any staff member other than a teacher, the Human Resources Department is notified without delay (for teachers, refer to paragraph b) below).*
 - o In such a case, if the Human Resources Department investigates the complaint or any part of same, it will be dealt with in accordance with the applicable laws and collective agreements. You will only be informed of the referral of the complaint or part of it to the Human Resources Department. No further communication nor follow-up will be provided to you on this aspect of the complaint as any action taken is confidential by law. This includes any corrective, disciplinary or assistance measures.*



Note that direct supervisors have the responsibility to ensure that the actions or conduct of any staff member under their supervision follow the law as well as any applicable policy, directive and rule of the School Board.

- *For other aspects of the complaint and for any aspect of the complaint not investigated by the Human Resources Department, the examination process continues to take place and the rules concerning confidentiality stated above apply.*
- b) *As per the Education Act, if it is considered that your complaint concerns a serious fault or derogatory act by a teacher⁷, the Minister of Education is notified without delay.*
 - *The Minister ensures the follow-up with you on this aspect of the complaint.*
 - *For other aspects of the complaint, the examination process continues to take place.*

6.7 The written opinion on the merits of the complaint must:

- Specify any corrective measures considered appropriate.
- Be sent to you and the person directly concerned by the complaint or their immediate supervisor.

6.8 If you are:

- **Satisfied** with the opinion provided, the complaint will be considered closed. The corrective measures indicated will be implemented by the School Board.
- **Dissatisfied** with the processing of your complaint and/or wish the decision reviewed **or** if your complaint was not processed within 15 working days after it is received, you may move on to **Part 1 - Step 3** (Regional Student Ombudsman).

⁷ Refer to s. 26 EA



PART 1 - STEP 3: Complaint to the Regional Student Ombudsman (complaints related to services only)

6.9 You may refer your complaint to the **Regional Student Ombudsman** having jurisdiction for the school board at the following address:

Mail : 1035, rue De La Chevrotière, 25e étage
Québec (Québec) G1R 5A5
Email: plaintes-pne@pne.gouv.qc.ca
Phone/text number: 1 833 420-5233

6.10 The complaint must be in writing using the form prescribed by the National Student Ombudsman⁸.

6.11 The Regional Student Ombudsman will make an initial assessment of your complaint and may refuse it if:

- a) You brought proceedings before a court of justice or another administrative branch exercising adjudicative functions and the conclusions are similar to those sought in the complaint.
- b) Another proceeding could adequately and within a reasonable time correct the situation.
- c) The complaint is frivolous, made in bad faith or vexatious.
- d) You refused or neglected to provide any information or document considered relevant.
- e) The Regional Student Ombudsman's intervention would serve no purpose.
- f) The lapse of time between the facts complained of and the complaint makes it impossible to examine the complaint.

6.12 The Regional Student Ombudsman must inform the school board of their decision to examine the complaint.

- If the Regional Student Ombudsman **refuses** to examine your complaint, they must inform you in writing and give reasons.
- If the Regional Student Ombudsman **accepts** to examine your complaint:
 - a) The school board must send all information it has relating to the complaint to the Regional Student Ombudsman.



- b) The Regional Student Ombudsman must allow you, and the person concerned by the complaint or their immediate supervisor, the opportunity to be heard.

6.13 The Regional Student Ombudsman may meet with the parties to attempt to bring them to an agreement if:

- The Regional Student Ombudsman considers it useful, and circumstances permit, and
- You and the other persons concerned consent to it in writing.

The processing of the complaint is **suspended** while the parties attempt to come to a resolution.

6.14 If an agreement is obtained between the parties, the complaints process will not go any further.

6.15 If there is no agreement between the parties:

The Regional Student Ombudsman sends their conclusions, recommendations (if any), and information to the **National Student Ombudsman** within **20 working days** after having received the complaint.

Note that if the processing of the complaint was suspended, the time limit is extended by the number of days equivalent to the suspension period.

6.16 The National Student Ombudsman has **5 working days** to decide to examine the complaint or not.

6.17 If the National Student Ombudsman examines the complaint, they have **10 working days** to complete the examination. They may substitute their recommendations to those of the Regional Student Ombudsman.

6.18 The Regional Student Ombudsman then informs you and the School Board, in writing, of the conclusions and the grounds on which they are made, as well as any recommendations (if any). The parties then move on to **Part 1 - Step 4: Final decision of the School Board**.

6.19 In all cases, if the processing of the complaint is not completed within 25 working days after it is received, the Regional Student Ombudsman so informs you and the School Board, indicating the reasons for an extension.



PART 1 - STEP 4: School Board makes the final decision

6.20 Within 10 working days of receiving the recommendations of the Regional Student Ombudsman (which you will have already received, as described in paragraph 6.18 above), the School Board must inform you and the Regional Student Ombudsman, in writing, of the Director General's decision to accept the recommendations and of all actions to be taken to implement the recommendations.

In cases where the Director General does not accept a recommendation, the file will be presented in a timely manner to the Council of Commissioners for final decision on that recommendation. You and the Regional Student Ombudsman will be informed, in writing, of the final decision of the Council of Commissioners, the actions to be taken or of the grounds for any refusal to take action.

Note that the complaint is closed once Step 4 is completed (i.e. you have received a written decision from the Director General or the Council of Commissioners). The Regional Student Ombudsman or the National Student Ombudsman cannot intervene any further in this complaint. However, you can make a new complaint if an issue reoccurs or if a new issue arises.

7. COMPLAINT PROCESS – PART 2

Bullying or Acts of Violence Complaints (Type B)

7.1. To make a complaint or report acts of bullying or violence⁹, you may:

- Follow the procedure from **Part 1 - Step 1** above (Complaint to the person directly concerned or their supervisor), **or**
- If you are dissatisfied with the follow-up on a report or complaint concerning an act of bullying or violence made to the Principal of the school or Centre Director, you may go to **Part 1 - Step 2** above (Complaint to the School Boards' Complaints Officer). Note that the delay of 10 working days to process the complaint or the report at the school level applies, therefore if that delay is ongoing, the Complaints Officer will refer you back to that level.

IN SOME INSTANCES, the following may apply (refer to addendum A):

- **PHYSICAL ABUSE:** *If a report of physical abuse or mistreatment had to be made in compliance with the law to the Director of Youth Protection (DYP) by school staff, they must follow the intervention and investigation process determined by the DYP representatives and police authorities, if applicable. This may have an impact on the timeline of the processing of the report or complaint.*

⁹ Also refer to the school's or centre's anti-bullying and anti-violence plan (ABAV Plan).



- 7.2. In application of Part 1 - Step 2 (Complaint to the School Boards' Complaints Officer), the written opinion on the merits of the complaint is given to you and to the Principal of the school or the Centre Director.
- 7.3. If you are:
- **Satisfied** with the opinion provided, the complaint will be considered closed. The corrective measures indicated will be implemented by the School Board.
 - **Dissatisfied** with the processing of your complaint and/or wish the decision reviewed **or** if your complaint was not processed within 15 working days after it is received, you may move on to **Part 1 - Step 3** above (Regional Student Ombudsman).
- 7.4. The School Board makes the final decision after receiving recommendations of the Regional Student Ombudsman. Refer to Part 1 – Step 4 above (Final decision of the School Board).

8. COMPLAINT PROCESS – PART 3

Sexual Violence Complaints (Type C)

- 8.1. To make a complaint or report acts of sexual violence, you may:
- Follow the procedure from **Part 1 - Step 1** above (Complaint to the person concerned or their supervisor), **or**
 - Skip both **Part 1 - Step 1** and **Part 1 - Step 2** (Complaint to the School Board's Complaints Officer) and go directly to **Part 1 - Step 3** above (Regional Student Ombudsman). It is your choice.
- 8.2. Regardless of the procedure taken, the complaint is processed urgently.
- IN SOME INSTANCES, the following may apply (refer to addendum A):*
- **SEXUAL ABUSE:** *If a report of acts of a sexual nature, with or without physical contact, had to be made in compliance with the law to the Director of Youth Protection (DYP) by school staff, they must follow the intervention and investigation process determined by the DYP representatives and police authorities, if applicable. This may have an impact on the timeline of the processing of the report or complaint.*
- 8.3. The Regional Student Ombudsman sends the complaint without delay to the Principal of the school or Centre Director unless:



- You object, **or**
 - They have reasonable grounds to believe that sending the complaint would impede an investigation.
- **NOTE THAT** if you, as a **student**, are making the complaint, the Principal of the school or the Centre Director at **Part 1 - Step 1** or the Regional Student Ombudsman at **Part 1 - Step 3** must inform you that it is possible for you to refer to the Commission des services juridiques. If you are a student under 14 years of age, your parents will also be informed of that option, and if you are a student aged 14 or over, your parents may also be informed of that option, with your consent.
- 8.4. When the complaint is sent to the Principal of the school or Centre Director, the Regional Student Ombudsman ensures the follow-up on actions taken by the school or centre in implementing the anti-bullying and anti-violence plan.
- 8.5. The Regional Student Ombudsman informs you, as well as the School Board, and in some cases, the Principal of the school or Centre Director of their conclusions, the grounds on which they are made, and any recommendations, in writing.
- 8.6. The School Board makes the final decision after receiving recommendations from the Regional Student Ombudsman (Refer to Part 1 – Step 4 above).

9. COMPLAINT PROCESS – PART 4

Complaints solely related to the functions of the School Board (as per s. 220.2 of the Education Act)

PART 4 Complaint to the School Board's Complaints Officer

- 9.1. You must file your complaint by email with the **School Board's Complaints Officer** and provide at the same time all information and documentation you find relevant and wish to submit.

If you file your complaint with a staff member of an educational institution, that person will inform the Principal of the school or Centre Director without delay, who will in turn inform the Complaints Officer. The delay to process your complaint will start upon the notification to the Complaints Officer.

- 9.2. The Complaints Officer at the School Board can be reached at:

Email Address: co@lbpsb.gc.ca
Phone number: 514-422-3000 ext. 30370



- 9.3. The Complaints Officer will ensure that the complaint is processed **within 20 working days** of receiving the complaint, unless otherwise justified.
- 9.4. Before a written opinion on the merits of the complaint is provided to you, the person making the decision may require more information from you. As applicable, the person concerned by the complaint, or their immediate supervisor will have the same opportunity. The possibility to remedy the situation must also be explored with all parties.

IN SOME INSTANCES, the following may apply:

a) If it is considered that your complaint involves employees and is of a disciplinary nature, including a serious fault or derogatory act by any staff member other than a teacher, the Human Resources Department is notified without delay (for teachers, refer to paragraph b) below).

- o In such a case, if the Human Resources Department investigates the complaint or any part of same, it will be dealt with in accordance with the applicable laws and collective agreements. You will only be informed of the referral of the complaint or part of it to the Human Resources Department. No further communication nor follow-up will be provided to you on this aspect of the complaint as any action taken is confidential by law. This includes any corrective, disciplinary or assistance measures.*

Note that direct supervisors have the responsibility to ensure that the actions or conduct of any staff member under their supervision follow the law as well as any applicable policy, directive and rule of the School Board.

- o For other aspects of the complaint and for any aspect of the complaint not investigated by the Human Resources Department, the examination process continues to take place and the rules concerning confidentiality stated above apply.*
- b) As per the Education Act, if it is considered that your complaint concerns a serious fault or derogatory act by a teacher¹⁰, the Minister of Education is notified without delay.*
- o The Minister ensures the follow-up with you on this aspect of the complaint.*
 - o For other aspects of the complaint, the examination process continues to take place.*

¹⁰ Refer to s. 26 EA



- 9.5. The written opinion on the merits of the complaint will, as applicable, specify any corrective measures considered appropriate and be sent to you and the person directly concerned by the complaint or their immediate supervisor.
- 9.6. End of Process for complaints related to functions (refer to the preamble)

For complaints solely related to the functions of the School Board as per s. 220.2 of the Education Act (generally related to financial and material resources), you will be informed that the complaint process terminates with the opinion provided to you and the actions that the School Board intends to take, if applicable. These complaints are excluded from the application of the Act Respecting the National Student Ombudsman and as such, are not subject to revision by the Regional Student Ombudsman.

It must be noted that the web complaint form at the School Boards' Complaints Officer's level is applicable solely for complaints regarding the services of the School Board. Any person with a complaint concerning the functions of the School Board who completes that form will be redirected by email to the person responsible of handling the file.

10. FINAL PROVISIONS

- 10.1 In order to ensure privacy and maintain the integrity of the complaint process, information regarding complaints will be handled with discretion and confidentiality and will only be shared as required by the investigation process and the law.
- 10.2 All complaints will be handled by the School Board in accordance with the Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information.
- 10.3 The School Board must provide annually by September 3011 an activity report for the preceding school year.
- 10.4 At the beginning of each school year, the students and the parents of minor students shall be informed of the complaint processing procedure provided for by the Act respecting the National Student Ombudsman.

Note that section 96.14 of the Education Act prescribes that a reference to the complaint processing procedure provided for by the Act respecting the National Student Ombudsman be added to all students' Individualized Education Plans (IEPs).

The School Board makes available the by-law on its website along with the contact information for the Regional Student Ombudsman. The websites of schools and centres also provide this information.

¹¹ To be effective as of September 30, 2024



- 10.5 In the analysis of the complaint, information may be requested from any person involved or any person who may provide relevant information, including other departments at the Head Office. Witnesses must be made aware that their participation to the complaint process shall remain strictly confidential.

- 10.6 A Commissioner who receives a complaint from a parent or a student refers them either to the complaint process or to the Complaints Officer of the School Board.



ADDENDUM A

Situations which must be brought to the attention of the Director of Youth Protection (DYP)¹²:

- (a) abandonment
- (b) neglect (including in connection with schooling)
- (c) psychological ill-treatment
- (d) sexual abuse
- (e) physical abuse
- (f) serious behavioural disturbance

More specifically in the case of violence (including sexual violence) and bullying:

- **Physical abuse**

The school staff has the obligation to make a report to the Director of Youth Protection (DYP) without delay as soon as they have reasonable grounds to believe that a minor child has been subjected to physical abuse by any adult person. A report to the DYP must also be made without delay when the person receiving the report or complaint has reasonable grounds to believe that a minor child has been subjected to mistreatment by their parents or another adult person. In all cases, if the person receiving the report or complaint deems necessary to make a verification prior to reporting to the DYP, the victim child or the person suspected of having made a physical abuse should not be contacted directly.

The school staff must then collaborate with the representatives of the DYP to assess the urgency of the situation and the measures necessary to take to ensure the protection of the victim child and other children. In all cases, the school board personnel must ensure that they follow the intervention and investigation process determined by the DYP representatives and police authorities, if applicable.

- **Sexual abuse**

The school staff has the obligation to make a report to the Director of Youth Protection (DYP) without delay as soon as they have reasonable grounds to believe a minor child has been subjected to acts of a sexual nature, with or without physical contact, by any person, including another minor child. If the person receiving the report or complaint deems necessary to make a verification prior to reporting to the DYP, the victim child or the person suspected of having made acts of a sexual nature should not be contacted directly.

The school staff must then collaborate with representatives of the DYP to assess the urgency of the situation and the need to take measures to ensure the protection of the victim child and other children. In all cases, the school board personnel must ensure that they follow the intervention and investigation process determined by the DYP representatives and police authorities, if applicable. This may have an incidence on the processing of the report or complaint.

¹² Refer to sections 38 and 39 of the Youth Protection Act: <https://www.legisquebec.gouv.qc.ca/en/document/cs/P-34.1>

FLOWCHART OF THE COMPLAINT PROCESS REGARDING SERVICES TO STUDENTS

If you are a student or a parent/guardian, dissatisfied with a service you received, are receiving, ought to have received or require from the School Board, and you wish to make a complaint:

