

REGISTER OF POLICIES, PROCEDURES, AND BY-LAWS

By-Law 9 – B Complaint Examination Procedure for International Students

Category and code:

BL 9 – B

Date of Coming into Force:

September 21, 2020

Number of Pages:

31

Origin:

Legal Department

Operator and Storage Site:

Legal Department

History:

**Adopted by Resolution 2010-06-02
Amended by Resolution 2018-01-03
Amended by Resolution 2020-09-#11**

CONTENTS

1. GENERAL PROVISIONS	3
1.1 Definitions	3
1.2 Legal Framework	4
1.3 Objective of the By-law	4
1.4 Non-applicability of the By-law.....	4
1.5 Confidentiality	5
1.6 Supervision	7
2. COMPLAINT EXAMINATION PROCEDURE.....	7
2.1 General Principles	7
2.2 Process	9
2.3 Processing Procedures in the Case of the Reconsideration of a Decision.....	14
3. STUDENT OMBUDSPERSON	14
3.1 Intervention of the Student Ombudsperson	14
4. FINAL PROVISIONS	16
5. Addendum A – Legislation.....	18
6. Addendum B – Complaint Examination Form	22
7. Addendum C-1 Step-By-Step Guide – By-Law 9 - B.1	26
8. Addendum C-2 Step-By-Step Guide – By-Law 9 - B.2	28
9. Addendum D	29
10. Addendum E: Confidentiality Agreement in a Situation of Complaint or of Assistance in an Investigation	30

None of the addenda are an integral part of the present by-law. They are added for information or administrative purposes and are subject to updates without consultation after the adoption of the present by-law.

In this document, the use of gender-neutral plural or collective form has been used whenever possible in the context. The term Student Ombudsman has been replaced by Student Ombudsperson except when quoting the law or regulation applicable

1. GENERAL PROVISIONS

1.1 Definitions

In the present by-law, the following words are defined as follows:

1.1.1 **Parent** is 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.

1.1.2 **Complaint:** a notice regarding the dissatisfaction of a complainant relating to the functions of the School Board and the services it provides, on which an action or a decision was asked of a School Principal or Centre Director for services provided at the school/centre level. Complaints are submitted with the Complaint Examination Form (Addendum B).

If the complaint relates to services provided by the School Board other than at school/centre level, it shall be raised at the applicable level of authority (e.g. with the Director of the department concerned or their delegate). All complaints (other than from International Students or their parents if the student is a minor) will be dealt with according to the present by-law.

1.1.3 **Reconsideration of a decision by Council:** the process by which the Council of Commissioners may uphold, reverse or modify a decision made by an officer or an employee of the School Board, the Council of Commissioners, the Executive Committee or a Governing Board. Such decision must concern an individual student (for example, transfer to another class) and the request for reconsideration must follow the requirements of sections 9 to 12 of the Education Act. A decision of general application is not subject to reconsideration.

The present by-law shall not be construed as limiting the right of students or their parent(s), if the student is a minor, to make a complaint nor the rights granted under sections 9 to 12 of the Education Act.

1.1.4 **Review of a decision:** At any administrative decision-making level, the complainant can request the review of the complaint and, in accordance with the present by-law, the decision may be upheld, reversed or modified. The decision may be rendered verbally at any administrative level, however the complainant may request that the decision be provided in writing.

1.1.5 **Student Ombudsperson:** an independent and neutral individual who must be designated by the Council of Commissioners and mandated to

inform student(s) or their parent(s) and direct their inquiries to the appropriate person in accordance with the present by-law as well as to receive, investigate and give an opinion on the merits of a complaint in order to recommend, if required, any appropriate corrective measures.

The Student Ombudsperson can only provide an opinion on the merits of a case once the complainant has exhausted all remedies provided for in the present Complaint Examination Procedure. The Student Ombudsperson may also make only recommendations to the Council of Commissioners addressing the matters submitted to their review.

- 1.1.6 The Student Ombudsperson 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.

The Student Ombudsperson 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.

1.2 Legal Framework

The present by-law is prescribed by the Education Act, in conformity with the Regulation Respecting the Complaint Examination Procedure Established by a School Board.

1.3 Objective of the By-law

The present by-law outlines the procedure to be followed for the examination of complaints from International Students of any level (including International Students in the Vocational Sector) registered at the Lester B. Pearson School Board (LBPSB) or their parents, if the students are minors. The procedure will focus on solving problematic situations in a courteous manner and in the most expeditious way, considering the specifics of any matter. It is understood that all individuals involved in this process will maintain the confidentiality of the individuals involved.

1.4 Non-applicability of the By-law

Human Resources Complaints

- 1.4.1 An Administrator may, at any time or at any level, refer the complaint or any part of same to the Human Resources Department if it is determined that the complaint is not subject to the present By-Law as it relates to matters under the jurisdiction of the Human Resources Department. The complaint

or any part of same so referred will be dealt with in accordance with the applicable laws and collective agreements.

In such a case, no follow-up will be provided to the complainant other than to inform them that the file is being handled by the Human Resources Department or closed. Any action taken, including corrective, disciplinary or assistance measure, is confidential.

Other applicable references

- 1.4.2 The Code of Conduct of each LBPSB School or Centre, their Anti-Violence and Anti-Bullying Plans, and the LBPSB Safe and Caring Schools Policy (including the Code of conduct for Parents/Guardians/Visitors) may address specific situations at the school or centre level (e.g. cases of bullying, violence, harassment, etc.).
- 1.4.3 As per the Education Act, the teacher is responsible for assigning results following the evaluation of the achievements of their students. A teacher can be asked by a Principal, with reasons, to review the result assigned to the student.

Complaint Examination Procedure for students other than International Students

- 1.4.4 Students who are not registered as International Students, or their parents if the students are minors, must refer themselves to the document entitled By-law 9- A: Complaint Examination Procedure.

1.5 Confidentiality

As required at section 4 of the *Regulation respecting the complaint examination procedure established by a school board*, the confidentiality of a complaint must be ensured at all levels.

As part of the investigation of a complaint, facts must be verified, witnesses may be contacted and interviews may take place.

Complainants must indicate on the Complaint Examination Form (Addendum B) if they consent that their identity be revealed or that information revealing their identity be disclosed during the investigation process, if necessary.

In cases where it is not possible to investigate without revealing the identity of the complainant or information revealing their identity, the person

conducting the investigation will communicate with the complainant to discuss possible avenues.

In the event no other avenue is possible, a complaint may be closed without investigation.

In the case of judicial proceedings or grievance arbitration, the identity of complainants as well as the facts related to their complaint may have to be revealed and they may be compelled to testify.

The complaint file is confidential and only the persons allowed by law can access it. Complainants understand that only the information regarding the student and/or the complainant, or information allowed to be disclosed by the Act Respecting Access to Documents of Public Bodies and the Protection of Personal Information will be provided to them. Complainants also understand that publicly disclosing the fact that they have made a complaint and the topic or content of their complaint may indicate that they waive the obligation of confidentiality.

Information concerning third parties is also confidential and cannot be disclosed unless they consent.

i. Categories of complaints regarding confidentiality.

It is understood that the investigators in charge of the investigation in any category of complaint decide on their investigation plan, determine the persons they wish to interview and focus on the facts they deem relevant to the investigation.

In all cases, prior to concluding that any party involved in or the object of an investigation has committed an error or a fault or has omitted to act, the investigators must consult with said party.

To guide complainants, the following categories of complaints have been identified:

- A. Examination of the complaint is entirely possible without revealing the identity of the complainant because other means of investigation exist, particularly situations where there are many witnesses.

For example:

- A comment made in a meeting with multiple attendees

- A verbal confrontation in a group
- B. Examination of the complaint is not possible without revealing the identity of the complainant.

Either of these cases apply to the situation:

1. The decision concerns a specific student.

For example:

- Exclusion from a school activity
- Course or class placement
- Program placement or exclusion

OR

2. The complaint concerns a situation intrinsically related to the complainant whereas an investigation cannot be conducted without revealing their identity or the facts which could identify them, particularly where there are very few or no witnesses.

Direct supervisors have the responsibility to ensure that the staff under their supervision follow the law as well as any applicable policy, directive and rule of the School Board. Direct supervisors proceed with the examination of any complaint at their level, including complaints regarding the actions or conduct of any member of staff under their supervision.

1.6 Supervision

Direct supervisors have the responsibility to ensure that the staff under their supervision follow the law as well as any applicable policy, directive and rule of the School Board. Direct supervisors proceed with the examination of any complaint at their level, including complaints regarding the actions or conduct of any member of staff under their supervision.

2. COMPLAINT EXAMINATION PROCEDURE

2.1 General Principles

- 2.1.1 Only the student concerned or their parent(s), if the student is a minor, may make a complaint. Follow-ups will not be provided on anonymous complaints.

- 2.1.2 The use of the complaint form is mandatory and can be requested at any level (refer to addendum B). The form allows for a clear identification of the decision to be reviewed, the steps taken by the complainant and their consent to reveal the information concerning them necessary to investigate. Any documentation or information complainants wish to provide can accompany the form.
- 2.1.3 It is expected that prior to submitting a complaint, the complainant will have tried, in good faith, to resolve the issue with the person who made the decision.
- 2.1.4 The person who receives the complaint must, at all stages, be provided with all pertinent information relating to the complaint. Interested parties will be given the opportunity to present their observations.
- 2.1.5 The complainant has the right to be accompanied by the person of their choice at any stage of the complaint examination procedure.
- 2.1.6 The complainant may receive assistance from the Secretary General in formulating their complaint or guidance in any step related to the complaint.
- 2.1.7 At any stage, the complainant may request that their complaint be forwarded to the next decision-making level by the Secretary General.
- 2.1.8 A complainant may ask for specific clarifications regarding the application of a decision rendered at any level of the complaint examination process.
- 2.1.9 Every person involved in the process must ensure that complaints are handled in a confidential manner. In the analysis of the complaint, information may be requested from any person involved or any person who may provide relevant information. Witnesses must be made aware that their participation shall remain strictly confidential (refer to Addendum E).
- 2.1.10 Every person involved in the process must ensure that there is no form of retaliation. A complainant who believes that retaliatory measures were exercised against them may bring their concern of reprisal directly to the next decision-making level.
- 2.1.11 A Commissioner who receives a complaint from a parent or a student refers them to the appropriate level as outlined in the present by-law or to the Secretary General.

2.2 Process

Notwithstanding the process provided in the present section, a complainant dissatisfied with the complaint examination or its outcome has the right at any stage to request the intervention of the Student Ombudsperson, who will accept or refuse to intervene in accordance with the present by-law and the Regulation Respecting the Complaint Examination Procedure Established by a School Board.

2.2.1 **PROCESS SUMMARY FOR INTERNATIONAL STUDENTS – REFER TO APPENDIX C FOR COMPLETE FLOW CHARTS**

2.2.1.1 Complaints from International Students, or their parents if the student is a minor, can relate to either:

- a) Issues in schools or centres (refer to section 2.2.3 for the process applicable in such a case) or;
- b) Specific activities of the International Department (refer to section 2.2.4 for the process applicable in such a case).

A) COMPLAINTS CONCERNING ISSUES IN SCHOOLS OR CENTRES (REFER TO APPENDIX C FOR FLOW CHART 9 – B.1):

2.2.2 In all cases where the complaint concerns the functions of the School Board and the services provided at the school or centre level and relates to issues in the school environment or academic issues, such as evaluations, grades or class attendance, the complaint must first be made to the following people in the following order:

- b) To the school Principal or Centre Director;
- c) To the applicable Regional Director of Schools, Regional Director of Continuing Education or Director of the Department which provided the service or their delegate (for example, Transportation or Community Services).
- d) To the Director General or their delegate;
- e) As applicable, to the Council of Commissioners for reconsideration if the complaint is subject to such or to the Student Ombudsperson in other cases. Refer to the detailed process below.

2.2.3 DETAILED PROCESS FOR COMPLAINTS CONCERNING ISSUES IN SCHOOLS OR CENTRES:

- 2.2.3.1 **Principal or Centre Director level:** At the school or centre level, concerns can first be brought verbally or in writing to the Principal or Centre Director in an attempt to resolve any issue in a mutually agreeable manner. However, if the complaint concerns said person, the complainant must complete a complaint examination form (Appendix B) and bring the complaint directly to the next decision-making level.
- 2.2.3.2 **Regional Director of Schools, Regional Director of Continuing Education, or Director of the applicable Department (or their delegate) level:** Once a final decision has been rendered within a reasonable delay by the Principal or Centre Director, should the complainant be dissatisfied with this decision, they must submit a completed complaint examination form (Appendix B) to the review of the Regional Director of Schools or the Regional Director of Continuing Education. However, if the complaint concerns said person, the complainant may bring the complaint directly to the next decision-making level.
- 2.2.3.3 In the same manner, in any other situation related to functions or to services provided by the School Board, a complaint regarding a final decision rendered by a Board-level member of staff must be directed to the Director of said department or their delegate, who may review the decision.
- 2.2.3.4 **Director General or their delegate level:** Once a final decision has been rendered by the Regional Director of Schools, the Director of Continuing Education or the Director of the Department concerned (or their delegate), should the complainant be dissatisfied with the handling of their complaint or its outcome, they may forward their complaint to the review of the Director General or their delegate, or request that it be forwarded by the Secretary General.
- 2.2.3.5 Should the complainant be dissatisfied with the handling of their complaint or its outcome by the Director General or their delegate, they may forward their completed complaint examination form to the Secretary General. It must be noted that the Secretary General does not review the complaint but solely ensures that the process is duly followed.

2.2.3.6 Upon receipt of the written complaint, the Secretary General will ensure that due process was followed and that the complaint pertained to the functions and services of the School Board.

2.2.3.7 Should the complainant wish to pursue the matter further, the next step will be determined as follows:

a) Complaint subject to reconsideration (refer to 1.1.3):

Should the matter be subject to reconsideration as per sections 9 to 12 of the Education Act, the complainant may request that their complaint be submitted to the Council of Commissioners. The Council of Commissioners must dispose of the request within 45 days of receiving it.

OR

b) Complaint not subject to reconsideration (refer to 1.1.5):

Should the complaint not be regarding a matter subject to reconsideration, the complainant who is not satisfied with the handling of their complaint or its outcome will be referred to the Student Ombudsperson. In such a case, the Student Ombudsperson could then intervene since all remedies provided for in the present by-law will be considered exhausted. The Secretary General will inform the complainant of the procedure to follow to gain rapid access to the Student Ombudsperson, who must submit to the Council of Commissioners their opinion on the merits of the case and may submit recommendations to them within 30 days.

B) COMPLAINTS CONCERNING SPECIFIC ACTIVITIES OF THE INTERNATIONAL DEPARTMENT (REFER TO APPENDIX A FOR FLOW CHART 9B-2):

2.2.3.8 In all cases where the complaint concerns the functions of the School Board and the services provided to International Students of any level and relates to specific activities of the International department, (for example international student fees, or dormitory and homestay arrangements), the complaint must first be made to the following people in the following order:

a) To the LBPSB Registrar Officer in charge of the student's country of origin;

- b) To the International Youth Manager or the International Vocational Manager, as applicable;
- c) To the Director of the International Programs Department;
- d) To the Director General or their delegate;
- e) As applicable, to the Council of Commissioners for reconsideration if the complaint is subject to such or to the Student Ombudsperson in other cases. Refer to detailed process below.

2.2.4 DETAILED PROCESS FOR COMPLAINTS CONCERNING SPECIFIC ACTIVITIES OF THE INTERNATIONAL DEPARTMENT

2.2.4.1 **Registrar Officer level:** At the school or centre level, concerns can first be brought verbally or in writing to the Registrar Officer in charge of the student's country of origin in an attempt to resolve any issue in a mutually agreeable manner. However, if the complaint concerns said person, the complainant must complete a complaint examination form (Appendix B) and bring the complaint directly to the next decision-making level.

2.2.4.2 **International Youth Manager/International Vocational Manager:** Once a final decision has been rendered within a reasonable delay by the Registrar Officer, should the complainant be dissatisfied with this decision, they must complete the Complaint Form (Appendix B) in order to submit a complaint to the review of the International Youth Manager or the International Vocational Manager. However if the complaint concerns said person, the complainant may bring the complaint directly to the next decision-making level.

Should the complainant be dissatisfied with the handling of their complaint or its outcome, he may forward their complaint himself to the International Programs Manager or request that it be forwarded by the Secretary General.

2.2.4.3 **Director of the International Programs Department level:** Once a final decision has been rendered by the International Youth Manager/International Vocational Manager, should the complainant be dissatisfied with the handling of their complaint or its outcome, they may forward their complaint to the Director of the International Programs Department or request that it be forwarded by the Secretary General. However, if the complaint concerns said person, the complainant must complete a

complaint examination form (Appendix B) and bring the complaint directly to the next decision-making level.

- 2.2.4.4 **Director General or their delegate level:** Once a final decision has been rendered by the Director of the International Programs Department, should the complainant be dissatisfied with the handling of their complaint or its outcome, they may forward their complaint to the review of the Director General or their delegate or request that it be forwarded by the Secretary General.

Should the complainant be dissatisfied with the handling of their complaint or its outcome by the Director General or their delegate, they may forward their completed complaint examination form to the Secretary General. It must be noted that the Secretary General does not review the complaint but solely ensures that the process is duly followed.

- 2.2.4.5 Upon receipt of the complaint form, the Secretary General will ensure that due process was followed, and that the complaint pertained to the functions and services of the School Board.

- 2.2.4.6 Should the complainant wish to pursue the matter further, the next step will be determined as follows:

a) Complaint subject to reconsideration (refer to 1.1.3):

Should the matter be subject to reconsideration as per sections 9 to 12 of the Education Act, the complainant may request that their complaint be submitted to the Council of Commissioners. The Council of Commissioners must dispose of the request within 45 days of receiving it.

OR

b) Complaint not subject to reconsideration (refer to 1.1.5):

Should the complaint not be regarding a matter subject to reconsideration, the complainant who is not satisfied with the handling of their complaint or its outcome will be referred to the Student Ombudsperson. In such a case, the Student Ombudsperson could then intervene since all remedies provided for in the present by-law will be considered exhausted. The Secretary General will inform the complainant of the procedure to follow to gain rapid access to the Student Ombudsperson, who must submit to the Council of Commissioners their opinion on the merits of the

case and may submit recommendations to them within 30 days.

2.3 Processing Procedures in the Case of the Reconsideration of a Decision

- 2.3.1 The Secretary General will acknowledge reception of the complaint and inform the complainant that it will be processed for reconsideration as expeditiously as possible by Council.
- 2.3.2 The Council of Commissioners may submit the request for examination by a person whom it designates or a committee which it establishes. Such person or committee shall make a report of their findings and accompany the report, if it seems appropriate, with recommendations.
- 2.3.3 During the examination of the request, the interested parties shall have the opportunity to present their point of view.
- 2.3.4 The complainant shall be advised of the decision of Council within 5 days it has been rendered and shall be informed of the grounds on which it was made in writing. They will also be advised of their right to apply to the Student Ombudsperson should they be dissatisfied with the examination of their complaint or its outcome and the procedure to follow to gain rapid access to the Student Ombudsperson, who must submit to the Council of Commissioners their opinion on the merits of the case and may submit recommendations to them within 30 days.

3. STUDENT OMBUDSPERSON

3.1 Intervention of the Student Ombudsperson

- 3.1.1 Once they receive a complaint, the Student Ombudsperson will communicate with the Secretary General to verify that the complainant has exhausted the remedies provided for in the present by-law. They will therefore refer the complainant to the appropriate decision-making level until such remedies have been exhausted. The Student Ombudsperson cannot give their opinion on the merits of the complaint or make recommendations until then, unless an intervention is necessary to prevent harm from being caused to the complainant, in which case they will advise the Administration without delay.
- 3.1.2 The Student Ombudsperson will look at the facts of a case objectively, with neutrality and impartiality. They have no decision-making role for the institution or for the complainant, no personal stake in a particular outcome

and they will not derive any benefit from any conclusion reached or any recommendation made¹.

- 3.1.3 The Student Ombudsperson will listen to concerns, provide information on any inquiries he receives regarding the present by-law and refer the complainant to the appropriate person(s).
- 3.1.4 The Student Ombudsperson may, upon summary examination of the complaint, dismiss it, if in their opinion, it is frivolous, vexatious or made in bad faith.
- 3.1.5 The Student Ombudsperson may 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 events that gave rights to the dissatisfaction of the complainant and the filing of the complaint makes it impossible to examine the complaint.
- 3.1.6 The Student Ombudsperson must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a serious fault committed by a teacher in the exercise of their functions or an act derogatory to the honor or dignity of the teaching profession for which a complaint has been filed with the Minister of Education and Higher Education under section 26 of the Education Act. In such cases, the Student Ombudsperson will inform the complainant and the Secretary General.
- 3.1.7 The Student Ombudsperson may require the cooperation of any staff member of the School Board whose expertise is considered necessary to the examination of the complaint. He may also, with the authorization of the Council of Commissioners, call on an outside expert.
- 3.1.8 In the case where all remedies concerning a complaint have been confirmed exhausted, the Student Ombudsperson must give the Council of Commissioners an opinion on the merits of the complaint within 30 days after he received it, and, if required, recommend any appropriate corrective measures
- 3.1.9 The Council of Commissioners will inform the complainant of the Student Ombudsperson's opinion on the merits of the complaint and of any recommendation in relation to their case provided by the Student Ombudsperson, as well as of any action to be taken with respect to these recommendations as soon as feasible after it decides on them (as

¹ Refer to ACCUO/AOUCC standards of practice : http://www.uwo.ca/ombuds/accuo_aoucc/english/SoP.pdf

applicable, by providing a copy of a resolution taken by Council to this effect).

- 3.1.10 The Student Ombudsperson will not provide legal opinions and may never substitute their decision to the decision made by an employee or an officer of the School Board, or of the Council of Commissioners.
- 3.1.11 The Student Ombudsperson may consult documents or obtain the information required to determine if the complaint should be retained. They may meet with School Board employees or officers, as well as with the complainant, and if applicable, with the person(s) accompanying him.
- 3.1.12 The Student Ombudsperson will handle all complaints in a confidential manner, notwithstanding information required to refer the complainant to the appropriate decision-making level as per the present by-law, which can be provided to the Secretary General, or information required to prevent an imminent risk of serious harm, which can be provided to the appropriate person or authority.

4. FINAL PROVISIONS

- 4.1 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.
- 4.2 The Student Ombudsperson must declare to the Council of Commissioners if, in any particular case, he has a real or perceived conflict of interest. In particular, any personal or business relationship with a person involved in the complaint, other than a business relationship through the School Board, must be declared. In case of a conflict of interest, a substitute Student Ombudsman will handle the file.
- 4.3 By October 1, the Student Ombudsperson must provide the School Board with an annual report, covering the previous school year, stating the number of complaint referrals received and their nature, the corrective measures recommended, if any, and any action taken. No names of individuals or schools/centres or any other information that may identify a person or a school/centre will be reported publicly. The report from the Student Ombudsperson must be part of the School Board's Annual Report.
- 4.4 The School Board must report on the activities resulting from the application of the Complaint Examination Procedure in its Annual Report.
- 4.5 At the beginning of each school year, the students and the parents of minor students shall be informed of the present complaint examination procedure. Note

that section 96.14 of the Education Act prescribes that a reference to the present by-law be added to all students' Individualized Education Plans (IEPs). The School Board will make the by-law available on the School Board website along with the contact information for the Student Ombudsperson.

Addendum A – Legislation

RELEVANT SECTIONS OF THE EDUCATION ACT AS OF SEPTEMBER 2020

9. A student or parents of a student affected by a decision of the council of commissioners, the executive committee or the governing board, or of an officer or employee of the school board may request the council of commissioners to reconsider such decision.

1988, c. 84, s. 9; 1997, c. 96, s. 8.

10. The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the secretary general of the school board.

The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.

1988, c. 84, s. 10.

11. The council of commissioners shall dispose of the request without delay.

It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.

During the examination of the request, the interested parties shall have the opportunity to present their points of view.

1988, c. 84, s. 11.

12. The council of commissioners may, if it considers that the request is founded, overturn, entirely or in part, the decision contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

The person who made the request and the author of the contested decision shall be notified of the council's new decision and informed of the grounds on which it was made.

26. Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession.

An information stating that a teacher has had a conviction is not considered a complaint for the purposes of this subdivision.

The complaint must be in writing, include reasons and be made under oath. It must briefly state the nature of the fault alleged to have been committed by the teacher and the relevant circumstances, including the time and place. The complaint shall be received by a person designated by the Minister, who shall assist any person so requesting in drawing up the complaint.

The Minister shall send a copy of the complaint to the teacher and ask him to present observations in writing to the Minister within 10 days.

96.14. In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student's parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school board's policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities and in keeping with the ability and needs of the student as evaluated by the school board before the student's placement and enrollment at the school. In addition, the plan must state that recourse to the school board's complaint examination procedure provided for in section 220.2 is an option if the parent or student is not satisfied.

The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis.

220.2. After consulting with the parents' committee, every school board shall establish, by by-law, a procedure for the examination of complaints related to its functions.

The complaint examination procedure must enable a complainant who is a student, a homeschooled child or a parent of either and who has filed a complaint with regard to the services the school board provides to him under this Act and who is dissatisfied with the handling of the complaint or with the outcome to refer the complaint to a person designated by the school board as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents' committee and on the recommendation of the governance and ethics committee. Neither a member of the council of commissioners nor a member of the personnel of the school board may act as Student Ombudsman.

In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that 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. The procedure must also provide that, 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.

The Student Ombudsman must send the school board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence. The report must be attached to the school board's annual report.

The school board may enter into an agreement with another school board to designate the same person as Student Ombudsman and determine how to share the expenses incurred.

As of September 2020

Regulation respecting the complaint examination procedure established by a school board

Education Act
(chapter I-13.3, s. 457.3).

DIVISION I

COMPLAINT EXAMINATION PROCEDURE



1. The complaint examination procedure established by a school board pursuant to section 220.2 of the Education Act (chapter I-13.3) must make provision for

- (1) the manner in which a complaint is to be made, either orally or in writing;
- (2) the complaint processing procedure;
- (3) the complainant's right to be accompanied by the person of his or her choice, at any stage of the complaint examination procedure;
- (4) the opportunity, for interested parties, to submit their observations;
- (5) the means by which the complainant will be informed of the outcome of the complaint examination, the deadline for so informing the complainant and the applicable measures to ensure the follow-up on any correctives measures that will be proposed;
- (6) the sending of a notice to the complainant stating the complainant's right, if dissatisfied with the complaint examination or examination outcome, to apply to the Student Ombudsman and informing the complainant of the documents or information allowing rapid access to the services of the Student Ombudsman;
- (7) the obligation for the council of commissioners to inform the complainant of the action it intends to take in respect of any recommendation of the Student Ombudsman.

The complaint examination procedure established by a school board may not result in limiting the complaints that may be made by students or their parents.

M.O. 2009-01, s. 1.



2. A school board must inform its students and their parents of the complaint examination procedure at the beginning of each school year.

The complaint examination procedure and the contact information of the Student Ombudsman must be broadcast on the website of the school board.

M.O. 2009-01, s. 2.



3. A school board must ensure that a complainant who so requires receives assistance in making the complaint or in any step related to the complaint.

M.O. 2009-01, s. 3.



4. A school board must take the necessary measures to ensure the confidentiality of a complainant and to prevent any form of retaliation against him or her.

M.O. 2009-01, s. 4.



5. A school board must give an account of the application of the complaint examination procedure in its annual report.

M.O. 2009-01, s. 5.

DIVISION II

STUDENT OMBUDSMAN



6. The Student Ombudsman must be designated by the council of commissioners for a term that may not be less than 3 years.

The Student Ombudsman's term may be revoked only by a vote of not less than two-thirds of the commissioners entitled to vote. The Ombudsman remains in office until re-appointment or replacement.

The Student Ombudsman must be under the responsibility of the council of commissioners.

M.O. 2009-01, s. 6.



7. The council of commissioners must take appropriate measures to preserve the independence of the Student Ombudsman at all times.

To that end, the school board must take up the defence of the Student Ombudsman if the Student Ombudsman issued by a third person for an act that the Student Ombudsman performed or failed to perform in the performance of duties, except in the case of a gross fault.

M.O. 2009-01, s. 7.



8. The Student Ombudsman intervenes after the complainant has exhausted the other remedies provided for in the complaint examination procedure.

Despite the foregoing, the Student Ombudsman may take up a complaint at any stage of the complaint examination procedure if the Student Ombudsman considers that intervention is necessary to prevent harm from being caused to the complainant.

M.O. 2009-01, s. 8.



9. The Student Ombudsman may require the cooperation of any staff member of the school board whose expertise is considered necessary by the Student Ombudsman and may, with the authorization of the council of commissioners, call on an outside expert.

M.O. 2009-01, s. 9.



10. The Student Ombudsman may, upon summary examination, dismiss a complaint if, in the Student Ombudsman's opinion, it is frivolous, vexatious or made in bad faith.

The Student Ombudsman may also refuse or cease to examine a complaint if the Student Ombudsman has reasonable cause to believe that intervening would clearly serve no purpose or the length of time having elapsed between the events that gave rise to the dissatisfaction of the user and the filing of the complaint makes it impossible to examine the complaint.

M.O. 2009-01, s. 10.



11. *(Omitted).*

Addendum B – Complaint Examination Form

COMPLAINT FORM

IDENTIFICATION

Student Name:

Parent/Guardian Name:

Address:

Telephone Number:

E-mail:

School/Center:

INFORMATION ABOUT YOUR COMPLAINT

Date of Complaint:

What is the decision you would like reviewed?

Author of Decision:

Date of Decision:

Please describe the context surrounding this decision. Please also describe the steps taken in good faith to try to resolve this problem.

For what reasons are you dissatisfied with the decision and the steps taken to find resolution?

Select an option for investigation purposes:

- ☐ I agree that information, which may include my identity or facts which may reveal my identity, be communicated, only as necessary for the investigation of the complaint.
- ☐ I do not agree that my identity or facts which may reveal my identity be communicated, in which case I understand that the file may be closed without investigation after possible avenues have been explored (refer to paragraph 1.5 of the Policy).

What is your desired outcome?

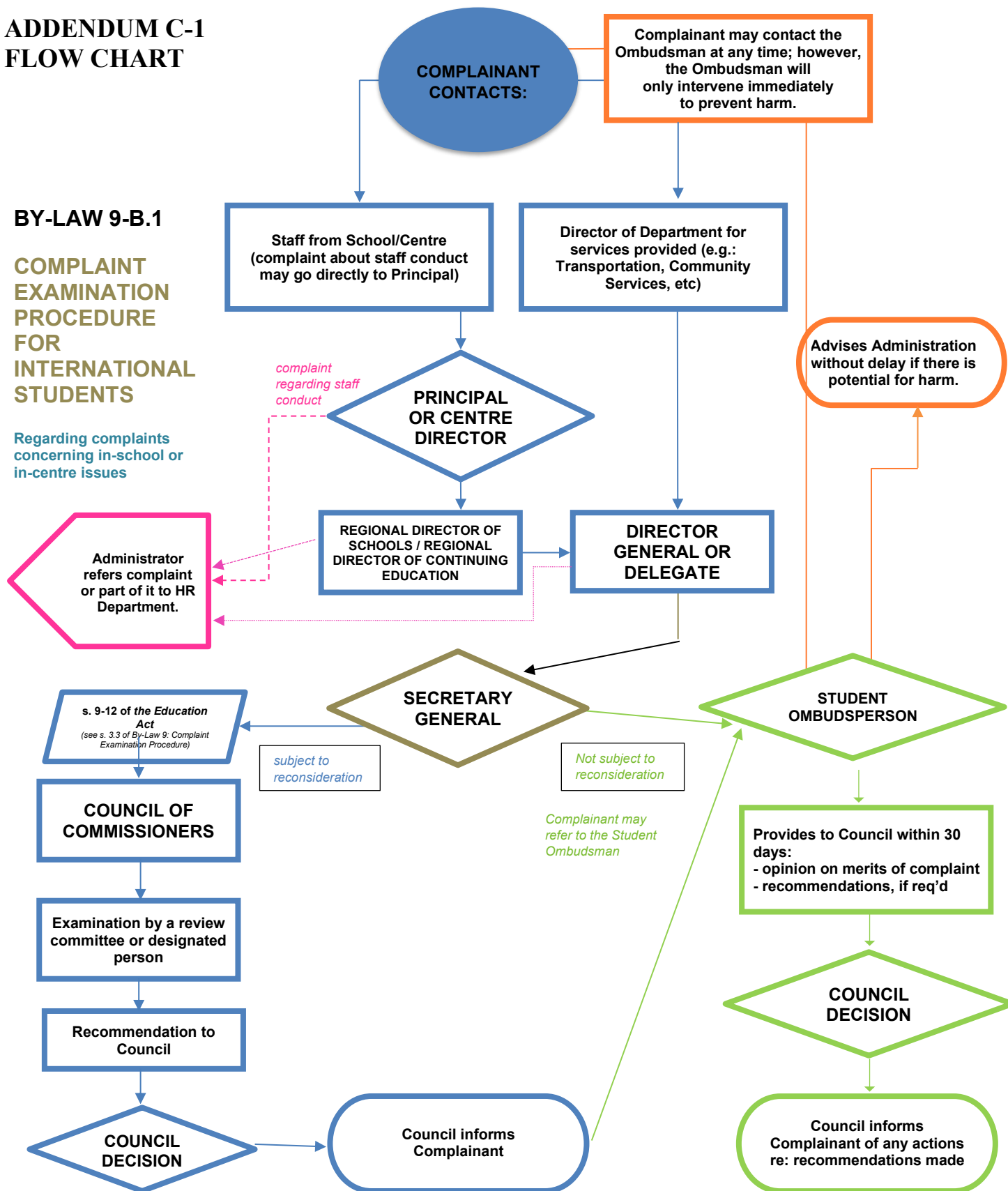
Signature: _____ **Date:** _____

ADDENDUM C-1 FLOW CHART

BY-LAW 9-B.1

COMPLAINT EXAMINATION PROCEDURE FOR INTERNATIONAL STUDENTS

Regarding complaints
concerning in-school or
in-centre issues



Addendum C-1 Step-By-Step Guide – By-Law 9 - B.1

STEP 1

The student (or parent of the student) makes an attempt, in good faith, to resolve the issue with the person who made the decision.

STEP 2

In schools/centres:

If the Complainant is still not satisfied, they may direct their complaint to the next level:

- a) Level 1) Principal or Centre Director, then
- b) Level 2) Regional Director of Schools or Regional Director of Continuing Education, then
- c) Level 3) Director General or Delegate

OR

- d) Level 1) Director of applicable Department or Delegate, then
- e) Level 2) Director General or Delegate

STEP 3

If still dissatisfied, the Complainant can forward their complaint to the Secretary General.

If subject to reconsideration:

- 1) Council of Commissioners, then
- 2) Student Ombudsperson (Steps 4 & 5)

If not subject to reconsideration:

Student Ombudsperson (Step 5)

STEP 4

If subject to reconsideration, the Council of Commissioners' decision may uphold, reverse, or modify the original decision.

STEP 5

Student Ombudsperson: If the Complainant is not satisfied with the decision of the Council of Commissioners, or if the complaint was not subject to reconsideration, the Complainant may address their complaint to the Student Ombudsperson by email at:

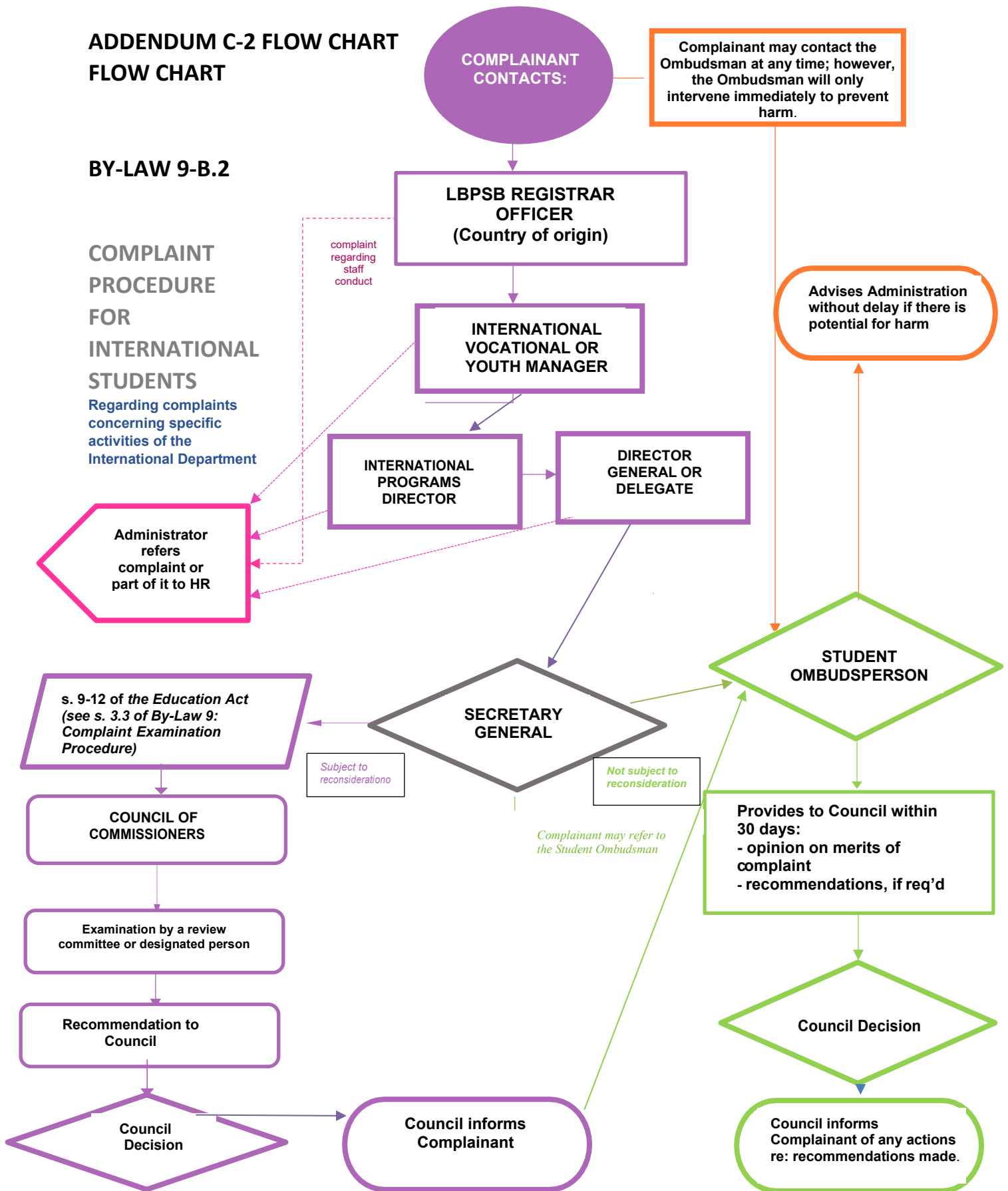
studentombudsman@lbpsb.qc.ca or by phone at: 514-422-3000, x30370

ADDENDUM C-2 FLOW CHART FLOW CHART

BY-LAW 9-B.2

COMPLAINT PROCEDURE FOR INTERNATIONAL STUDENTS

Regarding complaints
concerning specific
activities of the
International Department



Addendum C-2 - Step-By-Step Guide – By-Law 9 - B.2

STEP 1

The international student (or parents of the student) makes an attempt, in good faith, to resolve the issue with the person who made the decision.

STEP 2

International students of any level:

If the Complainant is still not satisfied, he/she may direct their complaint to the next level:

- Level 1) LBPSB Registrar Officer (of country of origin)
- Level 2) International Vocational or Youth Manager
- Level 3) Director of International Programs Department
- Level 4) Director General or Delegate

For issues related to the specific activities of the International Department, refer to the process applicable in such a case.

STEP 3

If still dissatisfied, the Complainant can forward their complaint to the Secretary General.

If subject to reconsideration:

- 1) Council of Commissioners
- 2) Student Ombudsperson (Steps 4 & 5)

If not subject to reconsideration:

Student Ombudsperson (Step 5)

STEP 4

If subject to reconsideration, the Council of Commissioners' decision may uphold, reverse, or modify the original decision.

STEP 5

Student Ombudsperson

If the Complainant is not satisfied with the decision of the Council of Commissioners, or if the complaint was not subject to reconsideration, the Complainant may address their complaint to the Student Ombudsperson by email at:

studentombudsman@lbpsb.qc.ca or by phone at: 514-422-3000, x30370

Addendum D

1 Student Ombudsperson

Laurence Sarrazin -- Tel: 514-422-3000 Ext: 30370

Email: studentombudsman@lbpsb.qc.ca

Mailing Address:

Student Ombudsperson c/o Lester B. Pearson School Board

1925 Brookdale Ave., Dorval, Qc, H9P 2Y7

Tel: 514-422-3000 Ext: 30370

SUBSTITUTES: Isabelle Turgeon and Caroline Lemay

2 Secretary General

Geneviève Dugré-- Tel: 514-422-3000 Ext: 30301

Email: gdugre@lbpsb.qc.ca

3 Reception of the Lester B. Pearson School Board

TEL: 514-422-3000

4 Lester B. Pearson School Board Administrative Organigram:

https://boardsite.lbpsb.qc.ca/Modules/FileManagement/files/Root/Services/Organigram_19-20_FOR_WEBSITE.PDF

Addendum E: CONFIDENTIALITY AGREEMENT IN A SITUATION OF COMPLAINT OR OF ASSISTANCE IN AN INVESTIGATION

In cases where a complaint has been filed and you have been asked to provide assistance in an investigation, you may be interviewed, asked to provide documents, computer files and other records, or asked to assist in some other way.

The following requirements apply in this situation:

- a) Your cooperation is essential; it is important that you respond to all questions and requests with candour and honesty.
- b) Keep the investigation and anything discussed with you as part of the investigation confidential. Do not discuss the investigation with anyone, unless as directed by the School Board or the person interviewing you.
- e) To respect the confidentiality of the persons involved, the information communicated to you will be strictly limited to what is required for you to know of the context or the situation.

I acknowledge that I will keep the confidentiality of the information provided or discussed within the context of the complaint or the investigation.

Name (Printed)

Signature

Date