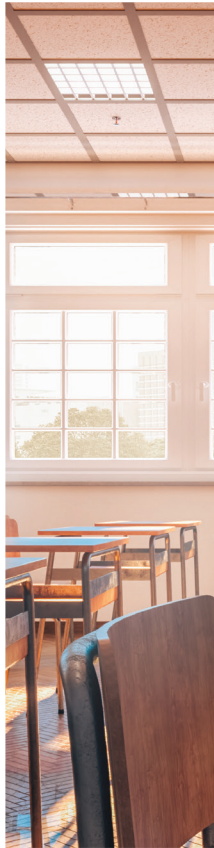


The processing of complaints in schools

Overview of the new procedure

Guide for unions





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The new procedure for processing complaints in the schools is now in force in both the public and private networks. A National Student Ombudsman and Regional Student Ombudsmen are now responsible for the application of the procedure.

As a union, it is important to fully understand how the procedure works:

- To inform your members
- To provide guidance to any of your members who wish to make a report as part of the complaint processing procedure
- To support any of your members who is the subject of a complaint

It is always preferable to find a solution through communication and cooperation. In many cases, discussion results in a solution, and avoids the need to use the complaint processing procedure.

What is the mission of the National Student Ombudsman and the Regional Student Ombudsmen?



They see that the rights of students, homeschooled children, and their parents, are respected with regard to the services the school service centre¹ or the private educational institution provides to them.

Their role is that of an ombudsman; they act as mediators in a neutral and impartial manner, and make **recommendations** to the organization for the purpose of resolving a dispute. The organization must then follow up on the recommendations.

¹ In the rest of the document, school service centres include school boards.

The difference between “complaint” and “report”

A complaint is filed by a person who has suffered injury, whereas a report is made by a third party who observes an unfair or unjust situation.

What types of complaints can be filed?

A complaint can be filed if a student (or his/her parents) is dissatisfied with a **service** they received, are receiving, ought to have received or require from a school service centre or a private educational institution.

It may concern preschool, elementary and secondary school, vocational education, adult education, literacy or other educational, complementary and individual services.

If some facts raise issues of a disciplinary nature, the person in charge of processing complaints or the Regional Student Ombudsman notifies the person in charge of human resources. However, the examination of the complaint is not completed at this stage. The person in charge of complaints processing continues the examination.

If some facts concern a serious fault or an act derogatory to the honour or dignity of the teaching profession, the person in charge of complaints processing or the Regional Student Ombudsman notifies the Education Minister. The process stipulated in the *Public Education Act* concerning such situations is set in motion.² At the same time, the person in charge of complaints processing or the Regional Student Ombudsman, as the case may be, continues the examination of the complaint.

Complaints should not encroach on the professional practices of the staff. As for teaching personnel, methods of instruction and evaluation strategies are matters of professional autonomy and are governed by section 19 of the *Public Education Act*. This legislation also stipulates that the assignment of a result to a student is a prerogative of the teacher (s. 19.1).

² Sections 26 to 33 of the *Public Education Act*.

Who can file a complaint and how?



Students receiving the education services of a school service centre or a private educational institution and **children who are homeschooled**,³ as well as **their parents**, can file a complaint if they are dissatisfied with a service that they received, are receiving, ought to have received, or require.

A three-step procedure is followed, as illustrated at the end of this document.

STEP 1

The student or the parent wishing to file a complaint must first approach the person directly concerned by the complaint or that person's supervisor.

The complaint may be made verbally or in writing.

Deadline: 10 working days

If the complaint is made directly to a member of staff, this person must notify in writing without delay the principal of the school. The notice must contain:

- The name of the person making the complaint
- The name of the student or the homeschooled child
- The name of the person who is the subject of the complaint
- The grounds for filing the complaint
- The date the complaint is received

In steps 1 and 2, there is no obligation to make the complaint in writing. However, keeping a written record is recommended to avoid any confusion between a discussion about a dissatisfaction and a formal complaint. A written record also clearly establishes the start date of the complaint process.

³ In the rest of the document, we refer only to students.

STEP 2

If the person making the complaint is not satisfied with processing in step 1, or if the deadline was not respected, the person may approach the person in charge of processing complaints at the school service centre or the private educational institution.

Deadline for the person in charge of complaints processing: 15 working days

Before giving an opinion, the person in charge of complaints processing must provide the complainant and the person directly concerned by the complaint (or their supervisor), with the opportunity to be heard, and where applicable, ask them to remedy the situation that gave rise to the complaint.

STEP 3

If the person making the complaint is not satisfied with the processing in step 2 or if the deadline was not respected, they can approach their region's Regional Student Ombudsman who will examine the complaint. In this step, the complaint must be filed in writing.

The Regional Student Ombudsman may meet with the persons involved to bring them to an understanding. The processing of the complaint is suspended during this process.

Following the examination of the complaint, the Regional Student Ombudsman decides on the conclusions and, if need be, the recommendations he or she deems appropriate to make to the school service centre or the private educational institution.

Deadline for the Regional Student Ombudsman: 20 working days

The Regional Student Ombudsman forwards his or her conclusions and recommendations to the National Student Ombudsman, who reviews them and decides whether or not to examine the complaint as well.

Deadline for the National Student Ombudsman concerning his or her decision to examine the complaint: 5 working days

During the examination of the complaint, if need be, the National Student Ombudsman may substitute his or her conclusions or recommendations for those of the Regional Student Ombudsman, should he or she deem it appropriate.

Deadline, where appropriate: 10 working days

The Regional Student Ombudsman then sends written notification to the complainant and the school service centre or private educational institution of the conclusions or recommendations as well as the grounds justifying them.

Lastly, it is up to the school service centre or the private educational institution to notify the complainant and the Regional Student Ombudsman in writing of the action which will be taken and if applicable, of the grounds for any refusal to take action.

Deadline for the school service centre or the private educational institution: 10 working days

If need be, the National Student Ombudsman or the Regional Student Ombudsman may proceed with an investigation as part of the examination of the complaint.

Who can make a report, on what subject and how?

Any person can use the complaint processing procedure to report an **act of sexual violence** against a student.

Thus, **members of teaching, professional and support staff** in public or private educational institutions can make such a report to the Regional Student Ombudsman.

Members of staff cannot make a report concerning situations in which the rights of students are not respected, for example, because the students do not have access to certain professional and support services. In such situations, only students or their parents can take action by filing a complaint.

Although not specifically designated in the legislation, a member of staff who witnesses a situation that does not seem to respect the rights of students may bring it to the attention of the Regional Student Ombudsman.

The information gathered by the Regional Student Ombudsman provides the National Student Ombudsman with a portrait of situations deemed unjust or unfair that allow him or her to make recommendations that are collective in scope in his or her annual report.

To make a report to the Regional Student Ombudsman:

- Call 1 833 420-5233.
- Complete the online formula [here](#).
- Send an email to: info@pne.gouv.qc.ca

Reprisals are prohibited against a person who:

- In good faith, makes a report as part of the complaint processing procedure
- Cooperates in the processing of a report or a complaint
- Accompanies a person

The demotion, suspension, termination of employment or transfer of a person or any disciplinary or other measure that adversely affects the employment or working conditions of a person is presumed to be a reprisal.

Reprisal complaints may be sent to the Regional Student Ombudsman but they will be processed by the National Student Ombudsman.

What about cases of bullying and violence?



In such cases, the principal must apply the measures stipulated in the anti-bullying and anti-violence plan. If the person is dissatisfied with the institution's follow up, he or she may file a complaint directly with the person in charge of complaints processing at the school service centre or the private educational institution, then to the Regional Student Ombudsman, if need be.

What about cases of sexual violence?

Complaints concerning an act of sexual violence must be **fast-tracked**. Complainants may directly approach the Regional Student Ombudsman. Thus, they are not required to follow the first two steps of the procedure for filing a complaint.

When the Regional Student Ombudsman receives the complaint, he or she forwards it without delay to the principal of the institution or to the person designated by the private educational institution unless he or she has reasons to believe that forwarding this complaint might prove harmful. The institution must then implement the actions stipulated in the anti-bullying and anti-violence plan.

The Regional Student Ombudsman ensures follow up of the actions undertaken by the institution. The same applies when the Regional Student Ombudsman, although not having received a complaint, is in possession of information likely to show that an act of sexual violence has been committed against a student. The Regional Student Ombudsman processes the information he or she possesses like a complaint to be examined.

Anti-bullying and anti-violence plans must now contain a formal section devoted to acts of sexual violence. This section should provide for compulsory training activities for principals, management and staff members. It must also provide for safety measures to combat this type of violence. As a result, anti-bullying and anti-violence plans must be updated.

What are each person's responsibilities?⁴

The **National Student Ombudsman** sees to the application of the procedure. He or she coordinates the work of regional ombudsmen, supports them, advises them and trains them. He or she examines the complaints processed by Regional Student Ombudsmen in cases in which conclusions and recommendations are formulated. He or she may formulate recommendations that are collective in scope in his or her annual report, if need be.

The **Regional Student Ombudsman** and the **person in charge of complaints processing** at the school service centre or the private educational institution are mainly responsible for processing the complaints they receive and for providing support.

⁴ This is an overview of the main responsibilities. It is not intended to be a comprehensive list.

The Regional Student Ombudsman lends assistance to any person who requires it to file a complaint or related processes and to any person requiring assistance in order to make a report as part of the complaint processing procedure.

Principals process complaints received. They diligently process all reports and all complaints concerning acts of bullying or violence they receive or that the Regional Student Ombudsman forwards to them, and take the necessary actions as part of the implementation of the anti-bullying plan.

Moreover, principals must make a proposal to the governing board to ensure that a section specific to acts of sexual violence is added to the anti-bullying and anti-violence plan. This proposal must be developed with the staff's participation.

Staff members must notify without delay their superior or immediate supervisor if they receive a complaint from a student or his or her parents. They must cooperate when the Regional Student Ombudsman provides them with the opportunity to be heard, and if necessary, to remedy the situation that gave rise to the complaint.

Regional Student Ombudsmen issue their opinion on any question submitted by a school service centre, a governing board, a student committee or a private educational institution regarding services provided. Their opinions are made **public**.

The Student Ombudsman and the Regional Student Ombudsmen must take into consideration the reality of Indigenous peoples as part of their functions.

A complaints registry must be kept in every school service centre and every private educational institution. When a complaint is received by a staff member, the information is recorded in the complaints registry by the principal of the institution or by the person designated by the principal for this purpose.

What is the responsibility of the union?

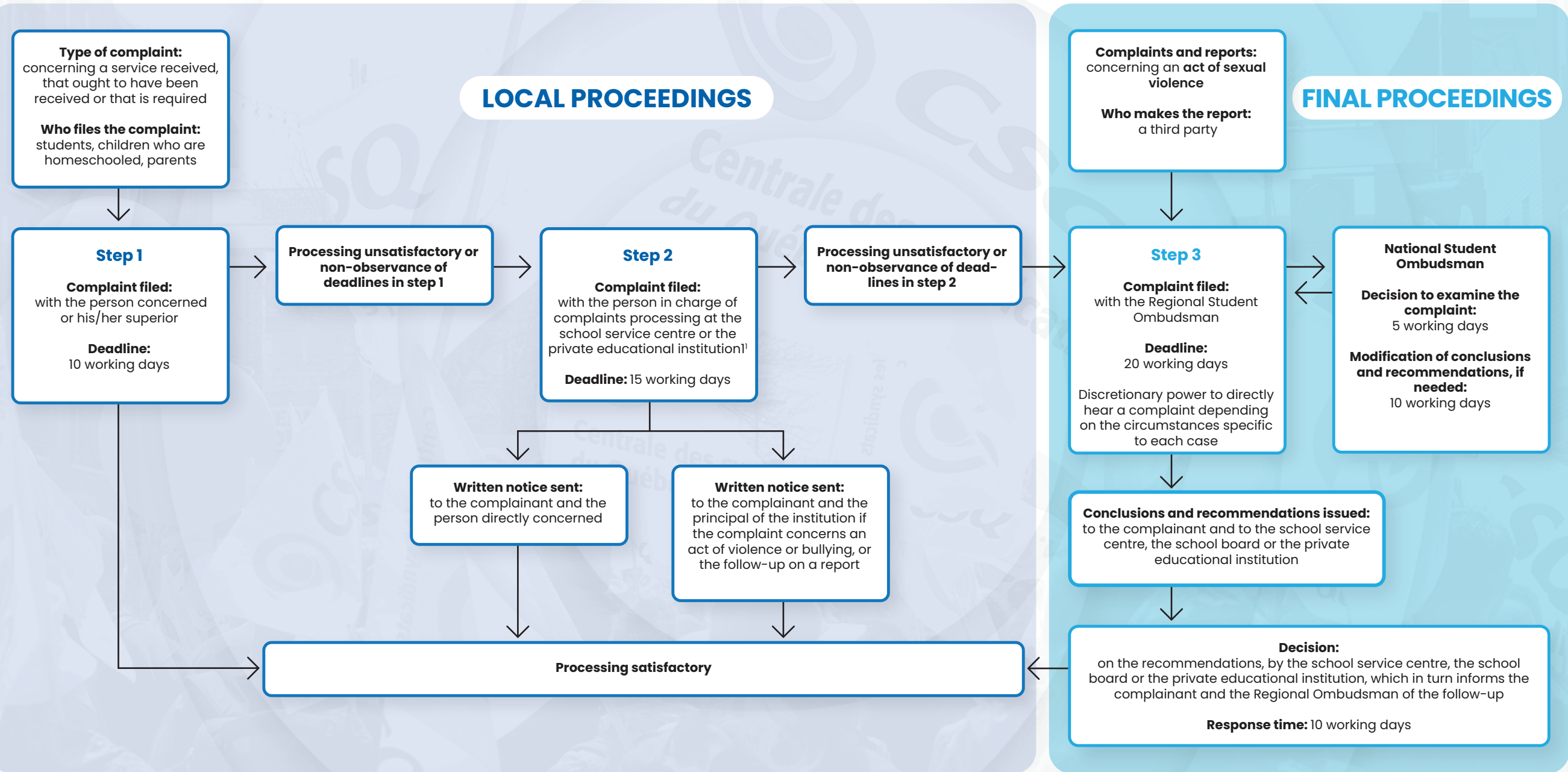
If a member is the target of a complaint, the union has a duty to represent him or her. Persons targeted by a complaint may be shaken. The reception, listening and support of the union are thus important. The union must properly inform the person of his or her rights and obligations, the complaints procedure, and the potential solutions for addressing the problem situation.

For more information about the complaint processing procedure

Contact the [Centrale des syndicats du Québec \(CSQ\)](#) or consult the [National Student Ombudsman's website](#).



Overview of the complaint processing procedure



Caution

This diagram provides an overview of the complaint processing procedure. It is not a legal document. In case of discrepancies between this diagram and the applicable legislation and regulations, the text of the legislation and the regulations shall take precedence.

¹ School services centre/school board and private educational institution.

