



Policy on Student Ombudsman Process

Kativik School Board

Adopted by the Council of Commissioners on: April 5th, 2016

As per resolution CC # 2015/16-38

General Provisions

1) Objective

- 1.1 The present Policy outlines the procedures to be followed for the examination of complaints from students of the Kativik School Board or their parents. The procedure will focus on solving problematic situations in a mutually agreeable manner. It is understood that all individuals involved in this process will interact respectfully at all times and will maintain the confidentiality of the individuals involved.

2) Legal framework

- 2.1 The present Policy will be governed in its application by an Act respecting access to *Documents held by Public Bodies and the Protection of Personal Information*.

3) Definitions

In the present Policy, the following words are defined as follows:

- 3.1 **Complainant:** a student of the Kativik School Board or his* parents;
- 3.2 **Complaint:** a notice, verbal or written regarding the dissatisfaction of one or several students from the School Board or their parents regarding the services offered or received;
- 3.3 **Student Ombudsman:** an individual designated by the Council of Commissioners and mandated to receive, investigate and give an opinion on the merits of a complaint and to recommend, if required, any appropriate corrective measures.

4) Principles

- 4.1 Only the student concerned or his parent may make a complaint. Anonymous complaints will not be considered. The identity of the complainant will be verified.
- 4.2 It is expected that, prior to submitting a complaint, the complainant will have made attempts, in good faith, to resolve the issue with the person who made the decision.
- 4.3 The recipient of the complaint must at all stages, be provided with all pertinent information relating to the complaint. Concerned parties will be given the opportunity to present their observations.
- 4.4 The complainant has the right to be accompanied by the person of his choice at any stage of the complaint examination procedure.

* The masculine gender, when used in this document, refers to both woman and men. No discrimination is intended.

- 4.5 The complainant may receive assistance from the Associate Secretary General or the Student Ombudsman in making his complaint or in any step related to the complaint.
- 4.6 Only written complaints will be responded to in writing.

Complaint Examination Procedure

5) Filing of a complaint

- 5.1 All complaints must be made as follows:
 - a) The complaint concerning the staff of a School or Centre must be directed to the School Principal or Centre Director. Should the complainant be dissatisfied with the handling of his complaint or its outcome, he may forward his complaint himself to the Director of School operations or request that it be forwarded by the Associate Secretary General;
 - b) The complaint concerning a Principal or Centre Director must be directed to the Director of School Operations;
 - c) The complaint concerning a Board-level Department or its staff must be directed to the Director of said department.
- 5.2 Should the complainant be dissatisfied with the handling of his complaint as per 5.1 or its outcome, he may forward his complaint himself to the Director General or his delegate or request that it be forwarded by the Associate Secretary General.
- 5.3 Should the complainant be dissatisfied with the handling of his complaint or its outcome at each level, the complainant can address a written complaint to the Associate Secretary General.

6) Admissibility of the Complaint and Processing Procedures

- 6.1 Upon receipt of the written complaint, the Associate Secretary General shall ensure that due process, as defined in Section 5 of the present Policy has been followed, that the complaint was made by the student concerned or his parent, and that the complaint pertained to services offered by or received at the School Board.
- 6.2 If the complaint is deemed admissible, the Associate Secretary General will determine whether the complaint meets preliminary conditions to be sent to the Student Ombudsman.
- 6.3 Associate Secretary General will inform the concerned parties that a complaint has been submitted.

Student Ombudsman

7) Intervention of the Student Ombudsman

- 7.1 A complainant dissatisfied with the handling or the outcome of his complaint may refer his complaint to the Student Ombudsman. Such complaint should be made in writing. However a preliminary verbal request will also be accepted.
- 7.2 Upon receipt of a complaint, the Student Ombudsman will communicate with the Associate Secretary General to verify that the complainant has exhausted the remedies provided for in the present Policy.
- 7.3 Notwithstanding the above, the Ombudsman may take up a complaint at any stage if he considers that intervention is necessary to prevent the complainant from suffering a prejudice.
- 7.4 The Student Ombudsman may, upon summary examination of the complaint, dismiss it, if in his opinion, it is frivolous, vexatious or made in bad faith.
- 7.5 The Student Ombudsman may refuse or cease to examine a complaint if he has 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.
- 7.6 The Student Ombudsman 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 his 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, Leisure and Sports under Section 18 of the *Education Act for Cree, Inuit and Naskapi Native Persons*. In such cases, the Student Ombudsman will inform the complainant and the Associate Secretary General.
 - 7.7 The Student Ombudsman 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.
 - 7.8 Within 45 days after the complaint is received, the Student Ombudsman must give the Council of Commissioners an opinion on the merits of the complaint and, if required, recommend any appropriate corrective measures. Within the same delay, a copy of said opinion and recommendations, if any, must be given to the Associate Secretary General and to the complainant.
 - 7.9 The council of Commissioners will inform the complainant, without delay, of any action to be taken with respect to recommendations made by the Student Ombudsman.

Final Provisions

- 8.1 Every person involved in the process must ensure that complaints are handled in a confidential manner and that there is no form of retaliation against a complainant who exercised his rights in accordance with the present Policy.
- 8.2 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*.
- 8.3 The Student Ombudsman must declare to the Council of Commissioners if, in any particular case, he is in real or perceived conflict of interest. In particular, it must be declared if there is a personal or business relationship with a person involved in the complaint, other than their business relationship through the School Board. In such cases, the complaint will be referred to the Substitute.
- 8.4 By October 1st, the Student Ombudsman 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 other information that may identify a person or a school/centre will be reported publicly.
- 8.5 At the beginning of each school year, the students and their parents shall be informed of the present complaint examination procedure. The School Board will make the Policy available on the School Board website along with the contact information for the Student Ombudsman.
- 8.6 The present Policy comes into force the day of its adoption by the Council of Commissioners.