

## Draft Regulations

### Draft Regulation

Education Act  
(R.S.Q., c. I-13.3)

#### Complaint examination procedure established by a school board

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the complaint examination procedure established by a school board, appearing below, may be made by the Minister of Education, Recreation and Sports on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine the standards and conditions for the complaint examination procedure to be established by a school board, as well as the measures it must include.

Further information may be obtained by contacting Brigitte Thériault, Director, Direction générale des régions, Ministère de l'Éducation, du Loisir et du Sport, 1035, rue De La Chevrotière, 13<sup>e</sup> étage, Québec (Québec) G1R 5A5; telephone: 418 643-7498, extension 2376.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec) G1R 5A5.

MICHELLE COURCHESNE,  
*Minister of Education, Recreation and Sports*

#### Regulation respecting the complaint examination procedure established by a school board

Education Act  
(R.S.Q., c. I-13.3, s. 457.3; 2008, c. 29, s. 32)

#### DIVISION I COMPLAINT EXAMINATION PROCEDURE

**1.** The complaint examination procedure established by a school board pursuant to section 220.2 of the Education Act (R.S.Q., c. I-13.3; 2008, c. 29, s. 29) 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.

**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.

**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.

**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.

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

## **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.

**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 is sued 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.

**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.

**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.

**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.

**11.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## **Draft regulation**

Professional Code  
(R.S.Q., c. C-26)

### **Hearing-aid acousticians**

— **Code of ethics**  
— **Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Code of ethics of hearing-aid acousticians, made by the Bureau of the Ordre professionnel des audioprothésistes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Ordre professionnel des audioprothésistes du Québec, the purpose of the draft Regulation is to adapt certain rules of ethics to the reality of the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company, as established in the draft Regulation to amend the Code of ethics of hearing-aid acousticians.

The draft Regulation also introduces, pursuant to subparagraph 4 of the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code, and provisions concerning a hearing-aid acoustician's obligation to release documents to a client.

The draft Regulation sets out conditions, obligations and prohibitions in respect of advertising by hearing-aid acousticians.

The draft Regulation sets out, pursuant to the second paragraph of section 87 of the Code, the terms and conditions according to which a hearing-aid acoustician may communicate information that is protected by professional secrecy, provided for in section 60.4 of the Code, to prevent an act of violence.

The Ordre professionnel des audioprothésistes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.