

Draft Regulations

Draft Regulation

Act respecting the National Student Ombudsman
(chapter P-32.01)

Procedure for the recruitment and selection of regional student ombudsmen

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation follows the assent, on 2 June 2022, of the Act respecting the National Student Ombudsman (2022, chapter 17). It establishes the procedure for the recruitment and selection of regional student ombudsmen and determines, in particular,

—the publicity to be made for recruitment purposes and its content;

—the eligibility requirements and the application procedure to be followed by candidates;

—the selection criteria to be taken into account by a selection committee;

—the information a selection committee may require from a candidate and the consultations it may hold; and

—the period for which a declaration of qualification is valid.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Stéphanie Vachon, Assistant Deputy Minister, Sous-ministériat au soutien aux réseaux et au financement, Ministère de l'Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; email: stephanie.vachon@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Stéphanie Vachon, Assistant Deputy Minister, at the above contact information.

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation respecting the procedure for the recruitment and selection of regional student ombudsmen

Act respecting the National Student Ombudsman
(2022, chapter 17, ss. 5 and 7)

CHAPTER I

RECRUITMENT AND SELECTION OF PERSONS
QUALIFIED FOR APPOINTMENT AS REGIONAL
STUDENT OMBUDSMEN

DIVISION I

RECRUITMENT NOTICE

1. Where it is expedient to draw up a list of persons qualified for appointment as regional student ombudsmen, the National Student Ombudsman publishes a recruitment notice in a publication circulating or broadcast throughout Québec, inviting interested persons to submit their candidacy.

2. The recruitment notice must contain

(1) a brief description of the functions of a regional student ombudsman;

(2) the place where a person could be assigned to mainly perform the functions;

(3) in substance, the eligibility requirements and selection criteria prescribed by the law and this Regulation and, where applicable, the particular professional, training and experience requirements sought given the needs of the National Student Ombudsman;

(4) in substance, the system of confidentiality applicable within the framework of the selection procedure and an indication that the selection committee may hold consultations on the candidacies; and

(5) the deadline and address for submitting a candidacy.

3. A copy of the notice is sent to the minister responsible for the administration of the Act respecting the National Student Ombudsman (2022, chapter 17).

DIVISION II CANDIDACY

4. Only a person having a minimum of 5 years of experience relevant to the functions of a regional student ombudsman may be declared qualified for appointment as a regional student ombudsman.

For a year of relevant experience may be substituted 1 year of studies in addition to those required in the recruitment notice, if applicable.

5. A person who wishes to submit his or her candidacy must send a résumé and the following information:

(1) name, address, home telephone number and, if applicable, office address and telephone number;

(2) date of birth;

(3) name of each region for which a candidacy is submitted;

(4) college and university diplomas and other relevant certificates held;

(5) the nature of the activities carried out and through which the candidate has acquired the relevant experience required;

(6) if applicable, proof that the candidate has the qualifications indicated in the notice;

(7) any conviction for an indictable or a criminal offence or any disciplinary decision, as well as the nature of the offence or fault concerned and the sentence or disciplinary measure imposed;

(8) any conviction for a penal offence, the nature of the offence concerned and the sentence imposed and whether one can reasonably believe that such offence is likely to call into question the integrity or impartiality of the National Student Ombudsman or of the candidate, to interfere with the candidate's ability to perform the functions or to undermine the trust of the public in the office holder;

(9) if applicable, the names of the candidate's employers, partners or immediate or line superiors in the last 10 years;

(10) if applicable, the name of any legal person, partnership or professional association of which the candidate is or was a member in the last 10 years;

(11) a summary of the reasons for the candidate's interest in performing the functions of a regional student ombudsman.

The person must also provide a written statement in which the person agrees to a verification with, in particular, a disciplinary body, a professional order of which the person is or was a member, the person's employers in the last 10 years, police authorities and, if applicable, in which the person agrees that the persons or bodies mentioned in subparagraphs 9 and 10 of the first paragraph of this section may be consulted.

DIVISION III ESTABLISHMENT OF A SELECTION COMMITTEE

6. Following the publication of the recruitment notice, the National Student Ombudsman establishes a selection committee in accordance with section 6 of the Act respecting the National Student Ombudsman.

7. A member of the committee must immediately bring to the attention of the other members of the committee any fact that may give rise to a reasonable apprehension of bias.

8. A member of the committee whose impartiality could be questioned must withdraw with respect to a candidate, in particular if the member

(1) is or was the candidate's spouse;

(2) is related to the candidate by birth, marriage or civil union, to the degree of first cousin inclusively;

(3) is or was the employer, employee or partner of the candidate in the last 10 years; despite the foregoing, a member who is in the public service must withdraw with respect to a candidate only if the member is or was under the candidate's direct supervision or is or was the candidate's immediate superior.

9. Where a member of the committee withdraws, is absent or unable to act, the decision is made by the other members.

10. Before taking office, the members of the committee must take an oath by solemnly affirming the following: "I, (full name), declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in the performance of my duties."

The oath is taken before a person empowered to administer oaths.

The writing evidencing the oath must be sent to the National Student Ombudsman.

11. A person may be appointed to more than one committee at the same time.

12. Travel and accommodation expenses of the members of the committee are reimbursed in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux (D. 2500-83, 83-11-30), with the modifications that have been or will be made.

In addition to their expenses, members of the committee other than the chair who are not employees of a government department or body are entitled to fees of \$250 per day or \$200 per half-day of sitting they attend.

DIVISION IV FUNCTIONING OF THE SELECTION COMMITTEE

13. The National Student Ombudsman sends the list of candidates and their records to the members of the selection committee.

14. The committee analyzes the candidates' records and retains candidates who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

15. The chair of the committee informs the short-listed candidates of the date and place of their meeting with the committee and informs the other candidates that they were turned down and, as a result, will not be called to a meeting.

DIVISION V CONSULTATIONS AND SELECTION CRITERIA

16. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult in particular with

(1) any person who was, in the last 10 years, an employer, partner, immediate or line superior of the candidate; and

(2) any legal person, partnership or professional association of which a candidate is or was a member in the last 10 years.

17. The selection criteria that the committee takes into account in determining a candidate's qualification are

(1) knowledge of the education system;

(2) knowledge of dispute resolution mechanisms;

(3) knowledge of the school environment or other environments relevant to the exercise of the functions;

(4) expertise with regard to handicapped students or students with social maladjustments or learning disabilities;

(5) the candidate's personal and intellectual qualities;

(6) the extent of the candidate's knowledge or skills, in view of the particular professional, training and experience requirements indicated in the recruitment notice;

(7) the candidate's ability to carry out the functions of a regional student ombudsman, in particular the candidate's judgment, impartiality, open-mindedness, perceptiveness, empathy, level-headedness, analysis and synthesis capability, decision-making abilities, teamwork capabilities, the quality of oral and written expression and the ability to adopt an ethical behavior; and

(8) the candidate's conception of the office of a regional student ombudsman.

18. The selection committee may apply evaluative measures that it determines to candidates who meet the eligibility requirements.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

19. Committee decisions are made by a majority of its members. In the case of a tie-vote, the chair of the committee has a casting vote.

20. The committee submits a report to the Minister. The report

(1) indicates the names of the candidates whose candidacy was turned down and who have not been met, giving reasons therefor;

(2) indicates the names of the candidates with whom the committee met and whose candidacy was turned down, giving reasons therefor;

(3) indicates the names of the candidates with whom the committee met and whom it declared qualified for appointment as regional student ombudsmen, the regions to which they may be assigned, their profession and the particulars concerning their work place; and

(4) contains any comments that the committee considers advisable, especially with respect to the particular experiences, characteristics or qualifications of the candidates declared qualified.

21. Unless it is unable to do so, the committee declares qualified a number of candidates corresponding to at least twice the number of vacant positions, if any.

22. A member of the committee may register dissent with respect to all or part of the report.

DIVISION VII REGISTER OF DECLARATIONS OF QUALIFICATION

23. The National Student Ombudsman writes to the candidates to inform them of whether they have been declared qualified for appointment as regional student ombudsmen.

24. The National Student Ombudsman keeps the register of declarations of qualification up to date and enters therein, in respect of each region, the list of persons declared qualified for appointment as regional student ombudsmen.

A declaration of qualification is valid for a 3-year period from its entry in the register.

The National Student Ombudsman strikes out an entry on the expiry of the validity period of the declaration of qualification or when the person is appointed regional student ombudsman, dies or asks to be withdrawn from the register.

DIVISION VIII RECOMMENDATION

25. As soon as a position becomes vacant, the National Student Ombudsman sends a copy of the updated list of persons declared qualified for appointment as regional student ombudsmen to the Minister and recommends to the Minister the name of a person who has been declared qualified.

26. If the Minister is of the opinion that he or she cannot, considering the list of persons declared qualified for appointment as regional student ombudsmen and in the best interest of the proper operation of the position to be filled, appoint a person, the Minister then asks the National Student Ombudsman to publish a new recruitment notice.

The committee in charge of assessing the qualifications of the candidates who submitted their candidacy after the new recruitment notice and of submitting a report to the Minister in accordance with section 20 may be composed of persons previously designated to sit on a preceding committee.

CHAPTER II CONFIDENTIALITY

27. The names of candidates, the report of the selection committee, the register, the list of candidates declared qualified for appointment as regional student ombudsmen, as well as any information or document relating to a consultation or decision by the committee, are confidential.

CHAPTER III FINAL

28. 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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