

Regulations and other Acts

M.O., 2023

Order 2023-001 of the Minister of Higher Education dated 17 March 2023

General and Vocational Colleges Act
(chapter C-29)

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges

CONSIDERING section 18.1 of the General and Vocational Colleges Act (chapter C-29);

CONSIDERING the making of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor on 21 June 2005 (T.B. 202573) and its amendments;

CONSIDERING that it is expedient to amend the existing Regulation and to make the Regulation attached to this Order;

CONSIDERING that authorization has been obtained from the Conseil du trésor in accordance with section 18.1 of the General and Vocational Colleges Act;

CONSIDERING that the Regulations Act (chapter R-18.1) is not applicable to such a regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges, attached to this Order, is hereby made.

Québec, 17 March 2023

PASCALÉ DÉRY
Minister of Higher Education

Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges

General and Vocational Colleges Act
(chapter C-29, s. 18.1)

1. The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended in section 1

(1) by replacing “local health and social services network development agency (*agence de développement de réseaux locaux de services de santé et de services sociaux*)” in the definition of “institution in the health and social services sector” by “health and social services agency (*agence de la santé et des services sociaux*)”;

(2) by replacing the definition of “senior executive” by the following:

“senior executive” means a person holding the position of academic dean, director general of a college, director general of a regional college or director of a constituent college within the meaning of the General and Vocational Colleges Act;”;

(3) by replacing “l'Éducation et de l'Enseignement supérieur” in the definition of “Ministry” by “l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie”;

(4) by replacing “responsible for Higher Education” in the definition of “Minister” by “of Higher Education, Research, Science and Technology”;

(5) by inserting “a school service centre,” after “a college,” in the definition of “agency in the public and parapublic sectors”;

(6) by inserting “school service centres,” after “the colleges,” in the definition of “public and parapublic sectors”.

2. Section 9.2 is amended by replacing the second paragraph by the following:

“To that end, the college must notify the Minister whenever a senior executive is appointed, his or her appointment is renewed, or significant changes are made to his or her position. On that occasion, where changes have occurred since the last classification determined by the Minister, the college must forward any information relevant to the evaluation of the position according to the method determined by the Minister.

The Minister is responsible for evaluating and determining the salary class.”.

3. The following Division is inserted after section 26.2:

**“DIVISION X
RECOGNITION MEASURE**

26.3. A senior executive is entitled to a recognition measure for the periods concerned, in accordance with the terms and conditions prescribed in Schedule IV to this Regulation.

The recognition measure is not deemed to be salary and is not part of the pensionable salary for the purposes of pension plans.”.

4. The following is inserted after section 30:

“**30.1.** The board of governors is responsible for renewing the appointment of a senior executive in the manner it determines and the process is conducted as below:

(1) the process is conducted by a committee composed of members of the board of governors who are not members of the college staff. The mandate of the committee is to assess the performance of the senior executive for the purpose of making a recommendation to the board of governors;

(2) the committee must take into account all the annual performance evaluations referred to in section 29.1 conducted during the appointment period;

(3) the committee must seek and take into account the opinions of college community bodies;

(4) the process must be conducted and completed within a period of 90 days;

(5) the deliberations of the committee must be and remain confidential;

(6) the senior executive must have the opportunity to take cognizance of the opinions issued regarding him or her and to submit observations;

(7) the senior executive must have the opportunity to be informed, at least one week in advance, of the recommendation and reasons to be submitted to the board of governors, and to submit observations in writing.”.

5. Section 31 is amended by inserting “, before making a decision,” after “must”.

6. Section 32 is replaced by the following:

“**32.** Where the college decides to renew or not to renew the appointment of a senior executive, it must notify the senior executive without delay. The senior executive must be notified in writing at least 120 days before the date on which his or her appointment expires.”.

7. Section 46 is amended by replacing the number “70” wherever it appears by “76”.

8. Schedule I is replaced by the following:

“

SCHEDULE I**GENERAL JOB DESCRIPTIONS OF SENIOR EXECUTIVES****1. PERSON HOLDING THE POSITION OF DIRECTOR GENERAL OF A COLLEGE**

Under the authority of the board of governors, the person holding the position of director general is responsible for the administration, operation, development and influence of the college.

The position also comprises the main responsibility for planning, organizing, directing, controlling, evaluating and managing a number of activities, in connection with the directions of the strategic development plan adopted by the board of governor, of which he or she is primarily responsible under the General and Vocational Colleges Act, taking into account the strategic directions of the Minister, so that the college may, in particular,

- guarantee the quality of the education provided in order to prepare students to become responsible citizens, as well as the quality of the services provided to the students, staff and neighbouring community;
- ensure the development, implementation and quality of the programs of studies for which it has received the authorization of the Minister, and of any other training that meets the needs of the labour market and university studies and are aimed at fostering success in both regular education and continuing education;
- make, in accordance with the general norms which may be determined by the Minister, agreements with any educational institution or other body respecting the instruction which the college is designed to provide;
- acquire, possess, hypothecate, lease, hold, administer and alienate property by all legal methods and under any title, including an immovable under co-ownership, after having received the authorization of the Minister;
- contribute, by labour training, applied research, technical assistance to enterprises and information activities, to the development of the region, the elaboration and realization of technological innovation projects, and the implementation and diffusion of new technology;
- support studies or research in education and support college staff members who take part in subsidized research programs;
- supply services or allow the use of its facilities and equipment for cultural, social, sporting or scientific purposes, with priority being given, however, to the needs of minor and adult students at the college;
- take part, in accordance with the Québec policy on Canadian intergovernmental affairs and international affairs, in the development and realization of cooperation programs on a national and international scale in the field of college education, in particular the recruitment of foreign students;

- collaborate with ministers and government bodies, and where applicable, any other strategic partners in carrying out specific agreements for the implementation of regional priorities, in particular by adapting its activities to regional characteristics and providing financial contributions.

More specifically, the person holding the position of director general must

- assume primary responsibility for the college with decision-making bodies, including the board of governors and the chairman of the executive committee of the college;
- ensure the proper management of financial, human, informational, physical and technological resources, as well as the management of the immovable and movable assets under his or her responsibility;
- direct, inform, coach and evaluate senior executive staff and management staff under his or her direct responsibility, in particular the following service departments:
 - academic department;
 - continuing education department;
 - student affairs department;
 - human resources department;
 - information technology department;
 - corporate affairs and communications department;
 - financial resources department;
 - physical resources departments;
- assume accountability as director of a college mandated by the board of governors under the Act respecting contracting by public bodies (chapter C-65.1);
- assume primary responsibility for the sound financial health of the college, help identify innovative solutions, in particular by diversifying subsidized or self-funded sources of revenue, ensure rigorous management of the resources at his or her disposal and balance the budget, in keeping with government standards;
- act as the institution's first responder, in particular with strategic partners in the education network, institutions in the college network, municipal administrations, community organizations, the local chamber of commerce, and enterprises, and ensure the influence of the college on the local, regional, national and international stage;
- act as first responder with government bodies concerning administrative and academic matters, and see that related accounts are rendered;
- assume a mobilizing and inclusive leadership role with the entire college community, in keeping with the institutional values and directions of the strategic development plan;

- ensure that the necessary changes are made and upheld in order to keep up with evolving technological needs required by new teaching approaches, digital transformation, and the implementation of the plan for the development of informational resources;
- contribute to the development of knowledge in higher learning (research, college centres for technology transfer, internationalization), by
 - supporting research activities conducted by the college or the college centre for technology transfer affiliated with the college;
 - encouraging and collaborating in the internationalization of training through student mobility, teacher mobility, the recruitment and welcoming of international students, and the internationalization of programs of studies;
 - ensuring the updating and implementation of the quality assurance and evaluation policies and measures required by the Minister and the Commission d'évaluation de l'enseignement collégial.

Required Qualifications

Graduate or undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a college.

Eight years of relevant experience, including at least five years in a position as a director.

2. PERSON HOLDING THE POSITION OF DIRECTOR GENERAL OF A REGIONAL COLLEGE

Under the authority of the board of governors, the person holding the position of director general of a regional college is responsible for the administration, operation, development and influence of the regional college and constituent colleges.

In addition to the functions normally delegated to the person holding the position of director general of a college, the person holding the position of director general of a regional college has the following responsibilities in particular:

- foster the development of the regional college and constituent colleges by implementing various human resources strategies and by optimizing the contribution of the various departments in order to conduct regular activities, while achieving the objectives defined in the strategic plan;
- promote and strengthen the positioning of the regional college and constituent colleges with a view to their development within their respective communities and their influence, both within and outside their region, while respecting the autonomy of constituent colleges;
- direct, inform, coach and evaluate senior executive staff and management staff under his or her direct responsibility, in particular the following service departments:

- constituent college departments;
- continuing education department;
- student affairs department;
- human resources department;
- information technology department;
- corporate affairs and communications department;
- financial resources department;
- physical resources department.

Required Qualifications

Graduate or undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position in a college.

Eight years of relevant experience, including at least five years in a position as a director.

3. PERSON HOLDING THE POSITION OF ACADEMIC DEAN

Under the authority of the person holding the position of director general of a college, the person holding the position of academic dean is responsible for planning, organizing, directing, controlling, evaluating and developing all the programs of studies and all the services, resources and activities related to learning, teaching, success, perseverance, and the graduation of students.

In the exercise of his or her duties, the person holding the position of academic dean must

- chair the academic council, prepare and plan meetings and ensure their proper conduct, in particular by reconciling the divergent interests of members and conduct follow-up of the meetings;
- be an *ex officio* member with voting rights of the board of governors of the college, where he or she represents the academic council and, in particular, be accountable for the quality of the programs of studies, the quality of the instruction provided, the evaluation of learning achievement and the success plan;
- develop and be responsible for implementing the success plan integrated into the strategic plan of the college, ensure the rendering of accounts and see that the objectives identified by the college and the Minister are met;
- develop and be responsible for implementing the educational project of the college;
- apply the provisions of the Act respecting the Commission d'évaluation de l'enseignement collégial, in particular with respect to the administration and evaluation of programs of studies, the evaluation of learning achievement, the success plan and the certification of studies, and assume primary responsibility for the quality assurance system with regard to those elements;
- represent the college before the board of governors and the executive committee with regard to matters of an academic nature;
- be responsible for the implementation and the departmental review of the programs of studies for which the college has received the authorization of the Minister;

- provide academic and logistical support to college staff members who take part in subsidized research programs;
- instill a medium- and long-term vision of pedagogical development, and mobilize and support college staff members, in particular teachers, to encourage innovative pedagogical and techno-pedagogical development;
- assume primary responsibility for the quality assurance system with regard to instruction;
- assume primary responsibility for organizing learning and teaching activities, as well as prepare, recommend and modify as needed a school calendar that complies with the conditions provided for in the College Education Regulations;
- apply the College Education Regulations to ensure that the college, in particular,
 - adopts and makes public, in whatever form it considers appropriate, a description of the objectives, standards and learning activities for each program it offers;
 - after consulting the academic council, adopts an institutional management policy with regard to programs and an institutional policy with regard to student achievement, and ensures their implementation and evaluation;
 - after consulting the academic council, adopts a by-law respecting admission and success;
- ensure rigorous management of the financial resources under his or her responsibility, including subsidies and full-time equivalents allocated by the Minister for the teaching staff;
- represent the college when negotiating and entering into strategic partnerships with regard to instruction at the local, regional and international level;
- represent the college and the network before various internal and external bodies, in particular the Ministère and the Commission d'évaluation de l'enseignement collégial;
- perform the duties and responsibilities of the person holding the position of director general of a college if that person is absent or unable to act;
- direct, inform, coach and evaluate staff under his or her direct responsibility, in particular assistant directors and coordinators in the following sectors:
 - management of regular education programs and the pedagogical component of continuing education;

- management of departments;
 - management of student affairs;
 - management of teaching resources;
 - management of the organization of education and academic progress;
 - management of the international sector;
 - management of pedagogical development and research.
- prepare, plan and ensure the proper conduct and follow-up of the college's pedagogical management meetings;
 - anticipate the impact of demographic changes by strengthening the position of CEGEPs.

Required Qualifications

Graduate or undergraduate degree in a relevant field of specialization certifying a minimum three-year university program or hold a senior executive or senior staff position in a college.

Eight years of relevant experience, including at least four years in a senior staff position.

4. PERSON HOLDING THE POSITION OF DIRECTOR OF A CONSTITUENT COLLEGE

Under the authority of the executive management, the person holding the position of director of a constituent college assumes primary responsibility for school services, student services, and the administration of the college. He or she sees to the implementation of the provisions governing the college and also exercises the functions and powers delegated by the board of governors of the regional college in accordance with sections 69 and 70 of the General and Vocational Colleges Act. He or she is responsible for the ordinary administration of the constituent college and for its operation, development and influence. He or she is also responsible for planning, organizing, directing, controlling, evaluating and developing all the programs of studies and all the services, resources and activities related to learning, teaching, success, perseverance, and the graduation of students.

In addition to the functions normally delegated to the person holding the position of academic dean of a college, the person holding the position of director of a constituent college.

- presents, submits and implements the resolutions of the governing board on any matter under its jurisdiction. He or she submits the policies of the constituent college to the governing board for adoption, as well as all requests for opinion on matters under the regional college's jurisdiction;

- collaborates with the person holding the position of director general and the other members of the executive committee in the development and realization of the goals, strategies and objectives of the regional college and each constituent college;
- identifies the development objectives of the constituent college to be included in the strategic plan of the regional college;
- at the local level, in accordance with the General and Vocational Colleges Act, is a member of the governing board and reports to the latter on his or her management duties;
- at the regional level, is a member of the Regional Planning and Coordination Committee (RPCC), if applicable, the executive committee and the board of governors;
- is responsible for every aspect of the general management of the constituent college, its services and personnel management in agreement with the regional college, among other things, of
 - physical resources, in particular the maintenance of facilities, safety and the preparation of long-term plans for movable and immovable assets;
 - financial resources, in particular budget allocation in accordance with the budgetary and financial structure of colleges, internal control, financial results and, if applicable, recovery plans;
 - human resources, in particular labour relations and the application of collective agreements, classification plans, staffing, training and professional development;
 - informational resources, in particular the application of laws and regulations respecting the governance of information and the safety and sustainability of information assets;
 - communications, in particular ensuring communication between the constituent college and the regional college on matters related to finances, physical resources, information technology and human resources.

Required Qualifications

Graduate or undergraduate degree in a relevant field of specialization certifying a minimum three-year university program or hold a senior executive or senior staff position in a college.

Eight years of relevant experience, including at least four years in a senior staff position.

”.

9. Schedule II is amended

(1) by inserting the following after the first paragraph of section 1:

“In addition to the foregoing, the salary scales in force on 31 March 2022 for classes of employment 10 to 12 are increased by an additional 0.75%, applicable as of 1 April 2022.”;

(2) by replacing section 2 by the following:

“

2. Salary scales

SENIOR EXECUTIVES
(annual rates)

Class	Rate from 2020-04-01 to 2021-03-31 (\$)		Rate from 2021-04-01 to 2022-03-30 (\$)		Rate from 2022-03-31 to 2022-03-31 (\$)		Rate as of 2022-04-01 (\$)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
	16					137,298	183,060	140,044
15	127,247	169,659	129,792	173,052	129,792	173,052	132,388	176,513
14	120,291	160,384	122,697	163,592	122,697	163,592	125,151	166,864
13	113,716	151,617	115,990	154,649	115,990	154,649	118,310	157,742
12	107,498	143,327	109,648	146,194	109,648	146,194	112,680	150,236
11	101,622	135,493	103,654	138,203	103,654	138,203	106,520	142,024
10	96,067	128,085	97,988	130,647	97,988	130,647	100,698	134,259
9	90,815	121,083	92,631	123,505				

NOTE: The salary scales are representative of the new classification plan applicable as of 31 March 2022.

”

10. The following Schedule is added at the end:

“SCHEDULE IV
RECOGNITION MEASURE

1. A senior executive is entitled to a recognition measure corresponding,

(1) for the period from 1 April 2020 to 31 March 2021,

(a) to \$500 if the senior executive has completed between three and six months less one day of service;

(b) to \$750 if the senior executive has completed between six and nine months less one day of service;

(c) to \$1,450 if the senior executive has completed nine months of service or more.

(2) for the period from 1 April 2021 to 31 March 2022,

(a) to \$1,000 if the senior executive has completed between three and six months less one day of service;

(b) to \$1,525 if the senior executive has completed between six and nine months less one day of service;

(c) to \$2,975 if the senior executive has completed nine months of service or more.

2. For the purpose of calculating the completed period of service provided for in this Schedule, the periods during which the senior executive received salary insurance benefits, maternity, paternity or adoption leave benefits under the Québec Parental Insurance Plan, indemnities paid by the senior executive’s employer in the case of parental leave or an industrial accident, and indemnities paid by the Commission des normes, de l’équité, de la santé et de la sécurité du travail and by the Société de l’assurance automobile du Québec, as well as any financial assistance paid in accordance with the assistance plan established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1), are taken into account.”

11. Unless the context indicates otherwise, the Regulation is amended by replacing the words “academic dean”, “executive director”, “director general” and “director” wherever they appear by “person holding the position of academic dean”, “person holding the position of executive director”, “person holding the position of director general” and “person holding the position of director” respectively, with the necessary modifications.

12. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, except section 8 which comes into force on 31 March 2022.

106184