

M.O., 2023**Order AM 2023-004 of the Minister of Education dated 19 July 2023**

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

Regulation respecting the procedure for filing and processing complaints

THE MINISTER OF EDUCATION,

CONSIDERING section 29 of the Act respecting the National Student Ombudsman (chapter P-32.01), which allows the Minister of Education to prescribe, by regulation, the terms relating to the filing of a complaint or the processing of complaints;

CONSIDERING the second paragraph of section 31 of the Act, which allows the Minister of Education to prescribe, by regulation, the terms relating to the filing of a complaint with a regional student ombudsman;

CONSIDERING section 41 of the Act, which allows the Minister of Education to prescribe, by regulation, the terms relating to the processing of complaints by regional student ombudsmen;

CONSIDERING the second paragraph of section 61 of the Act, which allows the Minister of Education to prescribe, by regulation, the standards for record keeping that the information asset must comply with and the information that it must make possible to enter;

CONSIDERING section 62 of the Act, which allows the Minister of Education to prescribe, by regulation, the use of a complaints register whose form, content and conditions governing access and preservation the Minister determines;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the procedure for filing and processing complaints was published in Part 2 of the *Gazette officielle du Québec* of 31 May 2023 with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting the procedure for filing and processing complaints, attached to this Order, is hereby made.

Québec, 19 July 2023

BERNARD DRAINVILLE
Minister of Education

Regulation respecting the procedure for filing and processing complaints

Act respecting the National Student Ombudsman (chapter P-32.01, s. 29, s. 31, 2nd par., s. 41, s. 61, 2nd par., and s. 62)

DIVISION I

PURPOSE

1. This Regulation determines the terms and conditions applicable to the filing of a complaint made by a student or child referred to in section 16 of the Act respecting the National Student Ombudsman (chapter P-32.01) or the parents of that student or child who are dissatisfied with a service they received, are receiving, ought to have received or require from the school service centre or a private educational institution.

This Regulation also determines the terms and conditions applicable to the processing of complaints received by the school service centre or private educational institution and the National Student Ombudsman.

Lastly, this Regulation prescribes the use of a complaints register, as well as the information that it must be possible to enter in the information asset that the National Student Ombudsman may determine.

DIVISION II**COMPLAINT PROCESSING BY A SCHOOL SERVICE CENTRE OR PRIVATE EDUCATIONAL INSTITUTION**

2. A complaint filed with the person directly concerned by the complaint, with the person's immediate supervisor or with the person in charge of processing complaints may be filed verbally or in writing.

3. A personnel member of an institution who receives a complaint must inform the principal of the institution in writing.

The notice must contain the name of the complainant, the name of the student or homeschooled child if the student or child is not the complainant, the name of the person concerned by the complaint, the facts on which the complaint is based and the date of receipt of the complaint.

4. A person in charge of processing complaints who receives a complaint in accordance with section 24 of the Act respecting the National Student Ombudsman must send an acknowledgement of receipt to the complainant within 2 working days after receiving the complaint.

The acknowledgement of receipt must specify the date of receipt of the complaint and indicate the date on which the processing period of 15 working days ends. It must also specify the possibility of filing a complaint with the regional student ombudsman if the complaint has not been processed by that date. In addition, the acknowledgement of receipt must indicate the telephone number, website address or email address to obtain information or file a complaint with the regional student ombudsman.

5. The opinion on the merits of the complaint that the person in charge of processing complaints must give in accordance with section 25 of the Act respecting the National Student Ombudsman must mention the possibility of filing a complaint with the regional student ombudsman. The opinion must also indicate the telephone number, website address or email address to obtain information or file a complaint with the regional student ombudsman.

DIVISION III COMPLAINT PROCESSING BY THE REGIONAL STUDENT OMBUDSMEN

6. The regional student ombudsman must send the complainant an acknowledgement of receipt within 2 working days after receiving the complaint.

DIVISION IV COMPLAINTS REGISTER

7. A complaints register must be kept by each school service centre and private educational institution.

8. A person who receives a complaint must enter the following information in the complaints register:

- (1) the date of receipt of the complaint;
- (2) the name of the student or homeschooled child, the name of the person directly concerned by the complaint and, if the complaint was filed with the immediate supervisor of the person directly concerned, the name of the immediate supervisor;

- (3) the object of the complaint;

- (4) a summary of the alleged facts on which the complaint is based;

- (5) the follow-up on a complaint.

Despite the first paragraph, when a complaint is received by a personnel member of an educational institution, the information is entered in the complaints register by the principal of the educational institution or by the person designated by the principal for that purpose.

DIVISION V INFORMATION ASSET

9. The information asset that the National Student Ombudsman may determine in accordance with section 61 of the Act respecting the National Student Ombudsman must comply with the following standards for record keeping:

- (1) a record must be opened for each complaint and each report and must contain the information provided for in section 10;

- (2) the records must be updated as developments occur.

10. The information asset must make it possible to enter the following information:

- (1) the date of receipt of the complaint;

- (2) the name, gender, date of birth, contact information and permanent code of the student or homeschooled child;

- (3) the facts on which the complaint is based;

- (4) the nature of the complaint;

- (5) the date and summary of any relevant verbal communication received or sent as part of the processing of the complaint;

- (6) the name and contact information of the person directly concerned by the complaint, the person's immediate supervisor and the main stakeholders concerned by the complaint;

- (7) the documents produced or received as part of the processing of the complaint, as well as the date on which they were received or sent;

- (8) the notes relating to the analyses made during the processing of the complaint, the conclusions, the grounds for those conclusions and the corrective measures recommended or the recommendations, as applicable.

The information asset must likewise make it possible to enter the information concerning reports and the information relating to acts of sexual violence, with the necessary modifications.

DIVISION VI
FINAL

II. This Regulation comes into force on 28 August 2023.

106406