

FIRST ANNUAL REPORT OF THE STUDENT OMBUDSMAN TO THE ENGLISH MONTREAL SCHOOL BOARD ¹

SEPTEMBER 15, 2011

Introduction

In reporting after the first year of this new initiative, I would like to thank the Board for the honour of being chosen to become the Student Ombudsman. I am also pleased to congratulate the Board and its Senior Management on the efforts they have made to implement this initiative - incorporated into the Education Act and into the By-Laws of the Board. As the first Student Ombudsman for the English Montreal School Board (hereinafter the EMSB or the Board), I was pleased to learn that my responsibilities complimented the previously established and proactive conflict resolution practices of the Board.

This report covers the period between my nomination in December 2010 and the present - September 15, 2011. The academic session(s) covered run from the winter session (January 2011) till the present.

An overview of the process

As set out in the **By-Law Establishing Procedures for the Examination of Complaints from Students or Their Parents**, the Student Ombudsman is responsible for the investigation and evaluation of Complaints pertaining to decisions affecting a student and also for another category of complaints which are not sent to the Commissioners for review.

- The complaints reviewed by the Council of Commissioners and the procedures for responding to them are those provided for in articles 9 to 12 of the Education Act, essentially those dealing with disagreements over decisions taken at the local level, maintained at the Senior Management level and, which are, after review, upheld by the Council of Commissioners.
- While students and parents may opt for an immediate review by the Student Ombudsman in lieu of asking the Council of Commissioners to review the Senior Management's decision or ruling, the more likely choice is to request the Student Ombudsman's review after the Council of Commissioners has made or upheld a decision the student or parent disagrees with.

As is well known to the members of the Board, the Student Ombudsman must, upon receiving a complaint properly in his or her jurisdiction, make an inquiry into the matter and advise the Board. The Student Ombudsman may then make recommendations. It falls to the Board, in its discretion, to respond to the recommendations in any given case.

¹ In this report the terms Council of Commissioners and Board are sometimes used interchangeably

- In the case where the student or parent disagrees with or complains about a matter other than "a decision", for example, the allocation of resources, the attitude, or manner of an educator or administrator, the complaint will be responded to by the Principal, the Vice-Principal and Senior Management after which the complainant may then address herself or himself to the Student Ombudsman by way of a request to the Secretary General. The exception to this rule is where the matter complained of falls under Section 26 of the Education Act²

An overview of the "complaints"³

No complaints regarding a decision upheld by the Council of Commissioners or having reached the level of a final decision by the Senior Management of the Board were referred to the Student Ombudsman. A range of issues, which are indexed in a separate report to the Governance and Ethics Committee of the Board, were reported to the Student Ombudsman and responded to by the school authorities.

Some observations

A review of the contacts with the Student Ombudsman made by parents and students indicates that there is a tendency to automatically alert the Student Ombudsman concerning decisions and other matters that have been brought to the attention of school personnel in one way or another, or that may be brought to their attention. This may indicate the existence of an assumption that by alerting the Student Ombudsman, the concern, appeal or complaint will be taken to the next level by the Student Ombudsman.

As the Board members know, the model adopted in the By-Law⁴ relies on the active pursuit of the complaint by its originator, and on the central role of the Secretary General.

Before launching an inquiry into a formal complaint the Student Ombudsman essentially fulfils an advisory role concerning the process to be followed at the initial stage of the complaint process. Thus, the Student Ombudsman is sometimes the first person to explain the complaint process while maintaining his status as a neutral and independent voice.

Experience has indicated that complainants speaking to the Student Ombudsman sometimes express feelings and convictions that are not always mentioned in the formal request for redress or, if mentioned, are not central to the resolution of the complaint by the school authorities, and when the immediate issue is resolved - either in the sense of

² "Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession."

³ A detailed report of the matters that were presented to me are indexed in the table prepared for the Governance and Ethics Committee.

⁴ **By-Law Establishing Procedures for the Examination of Complaints from Students or Their Parents**

the complainants' wishes or otherwise - the residual issues do not seem to be taken to the level of further referral to the Student Ombudsman.

Building on past successes

Recognizing that the Board has already adopted a proactive, responsive model for responding to complaints, the Student Ombudsman's experience may also help to enhance the Board's existing practice and policies. To that end it would seem natural to recommend that the Board consider inviting the Student Ombudsman to meet periodically with the Governance and Ethics Standing Committee regarding the publicity, follow through and implementation of the complaints procedure.