

Bill 9

**An Act respecting the National Student
Ombudsman**

Section 4

AMENDMENT:

Add the following paragraph at the end of section 4:

However, a regional student ombudsman who acts as interim National Student Ombudsman does not exercise the functions entrusted to the National Student Ombudsman under section 38 in respect of complaints the National Student Ombudsman has processed. Those functions are entrusted to another regional student ombudsman.”

*Adopté
1/26*

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Section 6

AMENDMENT:

Replace subparagraph 1 of the first paragraph introduced by amendment by:

- (1) a parent of a student who attends an institution of a French-language school service centre;
- (1.1) a parent of a student who attends an institution of an English-language school service centre;
- (1.2) a parent of a student who attends an institution of a school board or of the Centre de services scolaire du Littoral established by the Act respecting the Centre de services scolaire du Littoral (1966-1967, chapter 125);
- (1.3) a parent of a student who attends a private educational institution;

Ady Ké DG

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Section 6

AMENDMENT:

Replace by:

6. The selection committee, established by the National Student Ombudsman, is composed of the National Student Ombudsman, who acts as chair, and the following persons designated by the National Student Ombudsman from among the persons recommended by the associations or organizations most representative after consultation with those associations or organizations:

- (1) a parent;
- (2) a teacher;
- (3) a non-teaching professional staff member;
- (4) a member of the executive staff of a school service centre or private educational institution;
- (5) a principal of an educational institution of a school service centre;
- (6) a director general of a school service centre; and
- (7) a person who administers a private educational institution.

As part of the consultations, the National Student Ombudsman sees that associations or organizations representing English speakers and Indigenous persons are consulted.

If the National Student Ombudsman does not receive any recommendation for the designation of a person within the time he or she sets, the Ombudsman may designate a person after notifying the associations or organizations concerned.

*Adapté
amendé 86*

SAM 1
AM 3
s. 9

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Section 9

AMENDMENT:

Replace "related or connected by marriage or civil union to" in the proposed section 9 introduced by amendment by "a relative or the spouse of".

Adapted G

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Section 9

AMENDMENT:

Replace by:

9. The National Student Ombudsman and a regional student ombudsman may not be

(1) a member of the board of directors, a parents' committee or a governing board or be the director general, an assistant director general or secretary general of a school centre or the person in charge of processing complaints within such a centre;

(2) a director, shareholder, officer or person in charge of processing complaints of or within a private educational institution that provides educational services belonging to the categories referred to in paragraphs 1 to 5 of section 1 of the Act respecting private education (chapter E-9.1);

(3) an employee of a school service centre or a private educational institution that provides educational services belonging to the categories referred to in paragraphs 1 to 5 of section 1 of the Act respecting private education; or

(4) related or connected by marriage or civil union to a person referred to in paragraphs 1 and 2.

*A date
incluse
DG*

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Section 12

AMENDMENT:

Insert the following paragraph after the first paragraph:

For the purposes of assignment and designation under the preceding paragraph, the National Student Ombudsman may, when the territory of a school service centre exceeds the boundaries of a region, include the excess part of the territory of the school service centre as part of the region. The National Student Ombudsman may also include all the facilities of a private educational institution in the same region.”

Adopted

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Section 12

AMENDMENT:

Add the following paragraph at the end of section 12 as amended:

Where the National Student Ombudsmen determines the territory of regions for the purposes of assignment and designation under the first paragraph, the National Student Ombudsman takes into account, wherever possible, factors such as the boundaries of administrative regions and municipalities, and the existence of common characteristics and physical barriers.”

Asyle 06

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Section 14.1

AMENDMENT:

Insert after section 14:

14.1. The National Student Ombudsman makes an office available to each regional student ombudsman. That office may not be located on the premises of a school service centre or private educational institution.

*Adapté
DC*

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Section 16

AMENDMENT:

Insert “, including on racism and discrimination, Indigenous realities and sexual violence as well as any matter the Minister determines” at the end of the third paragraph.

*Amte
DG*

AM 8
s. 18

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Section 18

AMENDMENT:

Add the following sentence at the end of the first paragraph: "Regional student ombudsmen also process any complaint concerning an act of bullying or violence, as well as any report concerning an act of sexual violence against a student who attends an educational institution located in the region."

Adopted 16

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Section 18

AMENDMENT:

In the second paragraph:

1. Insert "a governing board," after "board of directors of a school service centre,".
2. Add "Those opinions are posted on the website of the National Student Ombudsman within 30 days after they are sent." at the end.

Adyler PG

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Section 19

AMENDMENT:

Replace by:

19. Regional student ombudsmen disseminate information about the complaint processing procedure provided for by this Act as well as information about the possibility of making a report or filing a complaint concerning an act of sexual violence to or with regional student ombudsmen.

Regional student ombudsmen provide any information on applying the complaint processing procedure to persons who request it and inform them of the protection measures under the law against reprisals afforded to any person who makes a report or files a complaint, cooperates in the processing of a report or complaint or who accompanies a person who makes a report or files a complaint.

Ady Té 06

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Section 20

AMENDMENT:

1. Insert "The centre or institution must also inform the students and their parents of the possibility of making a report or filing a complaint concerning an act of sexual violence to or with the regional student ombudsman." after the first sentence in the first paragraph;
2. Add the following paragraph at the end:

"The National Student Ombudsman may determine any other means of communication that centres and institutions, or some of them, must use to disseminate such information."

Adopté DG

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Section 20.1

AMENDMENT:

Insert after section 20:

20.1. In exercising the functions conferred on them by this Act, the National Student Ombudsman and the regional student ombudsmen ensure that they take into account Indigenous realities.

Adapté DG

AM 13
s. 22

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Section 22

AMENDMENT:

Replace "a disclosure" in the second paragraph by "a report or complaint".

Adopted 06

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Section 23

AMENDMENT:

1. Replace “, the person directly concerned by the complaint and the school service centre’s board of directors an opinion on” in the first paragraph by “and the person directly concerned by the complaint a written opinion on”.
2. Replace “a disclosure” and “, the principal of the educational institution and the school service centre’s board of directors” in the second paragraph by “a report or complaint” and “and the principal of the educational institution”, respectively.

Adopté 26

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Section 26

AMENDMENT:

1. Replace “a disclosure” in the first paragraph by “a report or complaint”.
2. Replace the second paragraph by the following paragraph:

For the purposes of section 22, the board of directors of a school service centre means the board of directors of a private educational institution or, if there is no board of directors, the person operating that institution within the meaning of section 3 of the Act respecting private education.

Adopted

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Section 28

AMENDMENT:

Replace by:

§ 1. — *General provisions*

28. Regional student ombudsmen assist any persons who require it in drawing up a complaint or in taking any action relating to the complaint and inform them of their right to be accompanied by a person of their choice, at any step of the processing of the complaint.

Adapté 16

AM 17
s. 27

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Section 27

AMENDMENT:

Strike out "by the person in charge of processing complaints".

Adapted 06

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Section 31

AMENDMENT:

Replace by:

31. If the steps of the complaint processing procedure under Division I of this chapter have not been followed, regional student ombudsmen may examine the complaint regardless, in the following cases:

- (1) they are of the opinion that following the steps of the procedure could not adequately correct the situation or that the time taken for processing the complaint at the previous steps makes their intervention unnecessary; or
- (2) the complaint concerns an act of sexual violence.

Adopted 6

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Section 32

AMENDMENT:

Strike out subparagraph 4 of the second paragraph.

Adopte DG

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Section 33

AMENDMENT:

1. Insert "in writing" after "complainant".
2. Add the following paragraph at the end:

"Regional student ombudsmen must also, if they are of the opinion that the complaint may be processed by another person or organization and with the complainant's consent, send the information relating to the complaint to that person or organization."

Adyke PG

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Section 34

AMENDMENT:

1. In the second paragraph:

(a) Insert “the complainant and” after “give”.

(b) Replace “invite the person or the person’s supervisor” by “invite those persons”.

2. Replace the third paragraph by the following paragraph:

“When the complaint concerns an act of bullying or violence, regional student ombudsmen give the complainant and the principal of the educational institution or the person designated by the private educational institution in accordance with section 63.5 of the Act respecting private education, as applicable, the opportunity to be heard.”

Adopted 16

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Section 23

AMENDMENT:

Add the following paragraph at the end:

“The person in charge of processing complaints must, before giving an opinion on the merits of the complaint, give the complainant and the person directly concerned by the complaint or the person’s immediate supervisor the opportunity to be heard and where applicable, invite the person or the person’s supervisor to remedy the situation which gave rise to the complaint.”

Adopted

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Section 37.1

AMENDMENT:

Insert after section 37

37.1. For the purposes of this division, the Minister may, by regulation, establish any other terms relating to the processing of complaints by regional student ombudsmen.

Adopte 16

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Section 37.2

AMENDMENT:

Insert the following subdivision after section 37.1, introduced by amendment:

§ 2. — *Special provisions applicable to the processing of complaints concerning acts of sexual violence*

37.2. Complaints concerning acts of sexual violence are processed as urgent.

Adopted DG

AM 25
s. 37.3.

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Section 37.3.

AMENDMENT:

Amendment 25 was withdrawn and is now amendment x.

AM 26
s. 39.1

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Section 39.1

AMENDMENT:

Amendment 26 was withdrawn and is now amendment z.

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Section 39.2

AMENDMENT:

Insert after section 39.1, introduced by amendment:

39.2. Regional student ombudsmen take all necessary measures to preserve the confidentiality of any information allowing a person who has made a report to be identified, unless the person consents to being identified. However, regional student ombudsmen may communicate the identity of the person to the director of youth protection or to the police force concerned.

Adopté DG

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Section 39.3

AMENDMENT:

Insert after section 39.2, introduced by amendment:

39.3 In exercising functions assigned under this chapter, regional student ombudsmen or any person authorized by the National Student Ombudsman may act as inspectors.

Adapted 6

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Section 39.4

AMENDMENT:

Insert after section 39.3, introduced by amendment:

39.4. Persons acting as inspectors may

(1) enter, at any reasonable time, the premises and immovables of a school service centre, including the premises and immovables that are placed at the disposal of the educational institutions of the school service center, and the facilities of any private educational institution;

(2) require, for examination or reproduction purposes, any information or document relating to the application of this chapter;

(3) take photographs or make recordings; and

(4) require a person, by any means that allows proof of receipt and of the exact time of receipt, to communicate to them any information or document required for exercising inspection functions conferred on them by this chapter, within the time and according to the conditions they specify.

Adapté RG

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Section 39.5

AMENDMENT:

Insert after section 39.4, introduced by amendment:

39.5. Persons acting as inspectors must, on request, identify themselves and produce a certificate of authority.

No judicial proceedings may be brought against such persons for any act done in good faith in the exercise of their functions.

Adapted DG

AM 31
s. 34.1

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Section 34.1

AMENDMENT:

Amendment 31 has been withdrawn and is now amendment w.

AM 32
s. 38

Bill 9

**An Act respecting the National Student
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Section 38

AMENDMENT:

Amendment 32 has been withdrawn and is now amendment y.

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Ombudsman**

Section 42

AMENDMENT:

Replace “has filed a complaint under this Act or has cooperated in good faith with a person in charge of processing complaints, the National Student Ombudsman or a regional student ombudsman in the exercise of his or her functions” in the second paragraph by “has made a report or filed a complaint, cooperated in the processing of a report or complaint or accompanied a person who has made a report or filed a complaint in accordance with this Act”.

Adapté § 6

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Section 44

AMENDMENT:

Replace “of their personnel” by “of the National Student Ombudsman’s
personnel”.

Adopté DG

Bill 9

**An Act respecting the National Student
Ombudsman**

Section 45

AMENDMENT:

Replace by:

45. Reprisals are prohibited against a person who, in good faith, makes a report or files a complaint, cooperates in the processing of a report or complaint or accompanies a person who makes a report or files a complaint in accordance with this Act.

It is also prohibited to threaten to take a reprisal against a person to dissuade them from performing an act described in the first paragraph.

The demotion, suspension, termination of employment or transfer of a person or any disciplinary or other measure that adversely affects the employment or working conditions of a person is presumed to be a reprisal. Depriving a student, child or their parents of any right or subjecting them to differential treatment or suspending or expelling a student who makes a report or files complaint is also presumed to be a reprisal.

Adopted 06

AM 36
s. 46

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Section 46

AMENDMENT:

Withdraw.

Adopté DG

Bill 9

**An Act respecting the National Student
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Section 47

AMENDMENT:

Add the following sentence at the end: "It must also separately list reports and complaints concerning acts of sexual violence."

Adopté 16

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Section 48

AMENDMENT:

1. Add the following sentence at the end of the first paragraph: "It must also separately list reports and complaints concerning acts of sexual violence."
2. Insert "to the National Student Ombudsman" after "section 47" in the third paragraph.

Adapté 16

Bill 9

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Section 49

AMENDMENT:

Add the following sentence at the end of the third paragraph: "It must also separately list reports and complaints concerning acts of sexual violence."

*Adopted
DG*

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Ombudsman**

Section 51.0.1

AMENDMENT:

Insert after section 51:

51.0.1. The Minister may, by regulation, prescribe the use of a complaints register whose form, content and conditions governing access and preservation the Minister determines.

*Adopté
JG*