



Bylaw 3

Appointment, Renewal of Appointment, and Evaluation of the Director General and Directors of Constituent Colleges



Resolution number CRC2019-039 March 13, 2020 replaces all versions of Bylaw 3 in its entirety as of July 1, 2019, official date of the implementation of the new structure. Articles subsequently amended are indicated by the resolution number of the amendment appearing at the end of the article.

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Preamble

This Bylaw meets the requirements of the Act (R.S.Q. c. C-29, article 20 and 20.2) and the resulting regulations, the Letters Patent, as well as articles 4.1, 4.2, 4.6 and 4.7 of Bylaw 1 and the guiding principle of equitable representation of regions in its application.

Article 1: General Provisions

The Board is responsible, after seeking the advice of the Commissions of Studies and the Governing Boards, for the appointment and the renewal of appointment of the Director General and the Directors of Constituent Colleges. In the event that a consultation cannot be held in a timely manner, the Board may proceed with an interim nomination; however, the matter must be brought to the next regular meetings of the Commissions of Studies and the Governing Boards for validation. The Chair is responsible for the annual performance evaluation and report to the Board.

The Board exercises this responsibility by creating a Selection Committee for the first appointment, using an Evaluation Committee for the renewal, and appointing Evaluators for the annual performance evaluation.

1.1 Definitions

The definitions set forth in Articles 1.1 of Bylaw 1 apply to Bylaw 3. However, in Bylaw 3, the following terms mean:

- a) “ANNUAL PERFORMANCE EVALUATION”: the task undertaken annually to assess the performance of the incumbent;
- b) “EVALUATORS”: the persons responsible for the annual performance evaluation of the Director General and the Directors of Constituent Colleges (see Article 4.1 of the present Bylaw);
- c) “EXTERNAL GOVERNOR”: a person who sits on the Board, as defined under Article 2.1 of Bylaw 1, and who is not an employee or a student of the Regional College;
- d) “INCUMBENT”: the person whom the College has appointed as Director General or Director of Constituent College;
- e) “INTERNAL GOVERNOR”: a student or employee of the Regional College sitting on the Board;
- f) “MANDATE”: a document, adopted by the Board after an appointment or renewal resolution, outlining the priorities of the incumbents for the duration of their term;
- g) “REGULATIONS”: the two (2) Regulations decreed by the Minister by virtue of Section 18.1 of the Act which determine, on the one hand, certain working conditions of the Director General and the Director of Studies and, on the other hand, the working conditions of Senior

and Management Personnel of Colleges (R.S.Q., C-29, Ministerial Decrees # 1-89 and # 2-89 and subsequent modifications thereto);

- h) “RENEWAL”: the confirmation of an incumbent’s renewed appointment as Director General or Director of Constituent College, following an evaluation and consultation process of the past mandate, for a new term. A non-renewal is the termination by the College of a mandate upon its expiry;
- i) “TERM”: the duration of an appointment.

1.2 Designation

The title of the present Bylaw is “Appointment, Renewal of Appointment and Evaluation of the Director General and Directors of Constituent Colleges” and is designated as “Bylaw 3.”

1.3 Jurisdiction

The Chair of the Board acts as the agent of the Board in the application of this Bylaw and is responsible for its implementation. Furthermore, unless indicated otherwise, the Chair of the Board acts as the spokesperson of the College in matters of communication with the persons or the bodies consulted by virtue of this Bylaw, as well as with the incumbents, in accordance with Article 4.3 of Bylaw 1.

1.4 Confidentiality

Strict confidentiality must be observed at every stage of the processes outlined in this Bylaw.

All meetings of the Selection and Evaluation Committees that come under the jurisdiction of this Bylaw, including those held to consult with the Governing Boards and the Commissions of Studies, shall be held *in camera*.

1.5 Vacancies

A vacancy shall occur in a Director General or Director of Constituent College position when there is no incumbent for any of the following reasons:

- a) the incumbent passes away;
- b) the incumbent submits his or her resignation which is accepted by the Board;
- c) the appointment is not renewed;
- d) the incumbent is removed from office or dismissed;
- e) the incumbent obtained a leave of absence for public office.

The position shall not be considered vacant if the Director General or Director of Constituent College’s appointment is in the process of being renewed.

The Board must proceed with the appointment of a Director General and a Director of Constituent College no later than one (1) year after the position becomes vacant.

1.6 Interim Measures

When a vacancy occurs, the Board may decide to allow a cumulation of positions in accordance with article 4.2 of Bylaw 1.

The Board may also proceed with the appointment of an interim incumbent when a Director General or Director of Constituent College's position is vacant, in accordance with article 4.2 of Bylaw 1.

When the Board appoints one of the Directors of Constituent College as interim Director General, it may also appoint an interim Director of the Constituent College to replace the latter.

Article 2: Procedures of Appointment

2.1 Preparation

- a) The Board consults the Governing Boards and the Commissions of Studies on these matters;
- b) The Board determines the opening date of the public posting;
- c) The Board, by resolution, validates the job description and approves the qualifications required to apply for the vacant position;
- d) The Board publishes externally and internally the vacancy using the means it deems appropriate.

2.2 Composition of Selection Committees

2.2.1 For the selection of the Director General, the Board forms a Selection Committee, composed of seven (7) members of the Board chosen in the following manner:

- a) Chair of the Board; and
- b) Chairs of the three (3) Governing Boards; and
- c) One (1) external Governor, elected by the Board; and
- d) Two (2) internal Governors, elected by the Board, ideally from different regions.

2.2.2 For the selection of a Director of Constituent College, the Board forms a Selection Committee composed of seven (7) members as follows:

- a) Chair of the Board; and
- b) Director General; and
- c) Two (2) Governors, one (1) external and one (1) internal, elected by the Board ideally from different regions; and
- d) The Chair of the Governing Board of the said College; and
- e) Two (2) Governing Board Members, one (1) internal and one (1) external, elected by the Governing Board.

The Selection Committee is presided by the Chair of the Board and elects one of its members to act as Secretary.

2.3 Procedure

The Board provides, by resolution, to the Selection Committee, as a general framework:

- a) a timetable, including a procedure for the selection and appointment process;
- b) specifications pertaining to the selection criteria, including the job description, the qualifications and the experience required for the position to be filled;
- c) procedures for consultation with the Commissions of Studies and the Governing Boards.

The Selection Committee holds its meetings *in camera* and takes every measure to ensure the confidentiality of its activities.

The Board may, if it deems it appropriate, hire a consulting firm to assist the Selection Committee.

2.4 Mandate of the Committee

The Selection Committee shall:

- a) solicit and receive the applications directly on behalf of the Regional College;
- b) screen all candidatures, in accordance with the qualifications set by the Board;
- c) select a short list of the candidates who seem to answer the established criteria;
- d) invite those selected in c) for an interview with the Selection Committee;
- e) inform all other candidates of the Regional College's decision not to retain their candidacy;

- f) decide on a proposed candidate;
- g) identify the references to be requested of the selected candidate and validate them;
- h) prepare a report for the Board, the Commissions of Studies and the Governing Boards recommending, from among the candidates interviewed, one candidate for appointment to the vacant position. This report shall include a summary of the references received under g);
- i) consult the Commissions of Studies and the Governing Boards;
- j) present the report of the committee and the candidacy of the person selected to the Board for appointment.

2.5 Decision

The Chair calls a Board meeting *in camera* and presents the report of the Selection Committee.

The Board shall:

- a) receive the report of the Selection Committee;
- b) receive the advice of the Commissions of Studies and the Governing Boards for the Director General, or, in the case of a Director of Constituent College, the recommendation of its College's Governing Board and Commission of Studies;
- c) review the application of the recommended candidate.

The Board makes its decision by resolution and proceeds according to Article 2.6 of the present Bylaw. The decision is announced by the Chair of the Board.

The Chair and the Vice-Chair, in the case of hiring a Director General, or the Chair and the Director General, in the case of hiring a Director of Constituent College, with the support of the Human Resources Director, prepare a draft contract in accordance with the Regulations.

Should the Board refuse the recommendation of the Selection Committee, it shall do so by resolution and the Chair shall advise the candidate in writing of the Board's decision. The Board may recommence the selection process at any phase that it deems most appropriate.

2.6 Appointment

An appointment is usually for a period of not less than three (3) years and not more than five (5) years, in accordance with Article 20 the Act.

The Board must adopt three resolutions in order to proceed with the appointment:

Resolution 1:

Following the recommendation of the Selection Committee and recommendations from the Commission(s) of Studies and the Governing Board(s), the Board adopts a motion to hire the

proposed candidate for the position to be filled and mandates the Chair to establish the contract of employment.

Resolution 2:

Adopt a written mandate, setting the priorities and what would be expected of the incumbent for the term.

Resolution 3:

The term of the appointment of the Director General and Directors of Constituent Colleges must be specified in the appointment resolution and is subject to Article 12 of the Act, as it is considered to be a working condition.

Article 3: Renewal of Appointment

3.1 Jurisdiction

The Board appoints a Renewal Evaluation Committee, which makes a recommendation regarding the renewal of the appointment of the Director General or Directors of Constituent Colleges to the Board in accordance with Article 20 of the Act.

3.2 Renewal Procedure

- a) The Chair of the Board consults, no later than ten (10) months prior to the end of mandate of the Director General and Directors of Constituent Colleges, to seek his/her interest concerning the renewal of appointment.
- b) The Chair must notify the Director General and Directors of Constituent Colleges in writing at least thirty (30) days prior to undertaking procedures for the renewal of this appointment.
- c) For the purpose of the renewal of the appointment of the Director General and Directors of Constituent Colleges, the Board structures the Evaluation Committee, according to Articles 2.2.1 for the Director General and 2.2.2 for the Directors of Constituent Colleges of this Bylaw;
- d) The Evaluation Committee shall:

consider any or all of the following in preparing its recommendation:

- i Annual performance evaluation, including a self-evaluation of incumbents and the results of the community consultation;
- ii Outcomes linked to the Strategic Plan, the Annual Plan and the incumbent's mandate, taking into consideration extraordinary circumstances that might have emerged since the most recent evaluation;

and proceed to a

- iii confidential and anonymous consultation of the communities concerned based on

3.2 d) ii;

and then proceed to a

- iv formal consultation with the Commissions of Studies and the Governing Boards for the Director General or, in the case of a Director of Constituent College, the respective College's Governing Board and Commission of Studies.
- e) The Evaluation Committee submits a written recommendation to the Board regarding the renewal of appointment of the Director General or Directors of Constituent Colleges no later than seven (7) months prior to the end of his or her employment contract.
- f) In the event that no such recommendation from the Evaluation Committee is forthcoming within the time period specified above, the Board shall proceed under its own authority to renew or to not renew the appointment of the Director General or Directors of Constituent Colleges.

3.3 Decision

- a) At the first meeting of the Board to be held within seven (7) months of the end of the appointment of the Director General and Directors of Constituent Colleges, the Board meets *in camera* and decides on the matter of the renewal of this appointment.
- b) The Evaluation Committee is invited to table its written recommendation on the matter accordingly.
- c) The Director General and the Directors of Constituent Colleges are invited to this same meeting to discuss their renewal with the Board. This discussion shall be held *in camera*.
- d) The Board decides on the renewal of the appointment by resolution in accordance with Article 2.6 of the present Bylaw.
- e) The Director General and Directors of Constituent Colleges shall be informed in writing of the decision of the Board no later than two (2) business days following this meeting.
- f) In the case of a renewal, the Board shall authorize the Secretary General to establish the new contract, without any modification to the pre-existing contractual clauses, unless approved by the Board, with the Director General and Directors of Constituent Colleges. The contract shall be signed according to Article 5 of the present Bylaw within thirty (30) calendar days.
- g) In the case of non-renewal, the Ministry's Regulations will apply.

Article 4: Annual Performance Evaluation

4.1 Evaluators

The Evaluators can only be external Governors.

For the evaluation of the Director General, the Evaluators are:

- a) The Chair of the Board; and
- b) Two (2) external Governors; ideally from different regions.

For the evaluation of the Directors of Constituent Colleges, the Evaluators are:

- a) The Director General; and
- b) The Chair of the Governing Board; and
- c) The Chair of the Board.

4.2 Procedure

The primary purpose of the annual performance evaluation is to work with the incumbent in a formative manner and, if necessary, propose ways to improve.

- 4.2.1 The Director General and Directors of Constituent Colleges must be evaluated annually and a summary report of the evaluation must be presented at the last Board meeting of the fiscal year;
- 4.2.2 The evaluators will, at the beginning of the academic year, meet to agree upon priorities with the incumbents with regards to the mandate, the job description, the responsibilities under Bylaw 1, the Annual Plan and the Strategic Plan;
- 4.2.3 The Evaluators, using established evaluation criteria and based on Article 4.2.2 of the present Bylaw must review, with the incumbents, the self-evaluation report prepared;
- 4.2.4 The Evaluators shall assess an incumbent's performance with respect to Article 3.2 d) ii of the present Bylaw, the set objectives agreed upon at the beginning of the year, the priorities identified in the Annual Plan and the Strategic Plan and the evolution of the mandate taking into account the circumstances which render the results easy, difficult, or impossible to attain.
- 4.2.5 The procedure to be used must be submitted to the Board.

4.3 Decision

The Evaluators:

- a) prepare a report summarizing the evaluation process, results, and priorities agreed upon with the incumbents for the year;

and;
- b) provide the Director General and Directors of Constituent Colleges with an opportunity to be heard;

The Board:

- a) provides the incumbent with a confidential written evaluation;
- b) mandates the Evaluators to do a mid-year follow up to assess the advancement of the priorities or implementation of the recommendations.

Article 5: Hiring Formalities

5.1 Contractual Clauses

Any contract of employment must comply with the applicable Regulations.

5.2 Approval

All terms and conditions of employment must be expressly approved *in camera* by the Board and Article 12 of the Act must be applied. Any clause not duly approved by the Board is null and void.

5.3 Signing Officers

- a) The contract of employment of the Director General is signed by the Chair and the Vice-Chair of the Board.
- b) The contract of employment of the Directors of Constituent Colleges is signed by the Chair of the Board and the Director General.

TIMELINE FOR THE RENEWAL PROCESS

Minimum ten (10) months prior to end of mandate

Chair consults the Director General and Directors of Constituent Colleges on interest in renewal of appointment.

Thirty (30) days prior to undertaking the renewal procedure

Board (Secretary General) sends written notice to the Director General and Directors of Constituent Colleges that process is to begin.

Between the 7th and the 9th month prior to the end of mandate

The Evaluation Committee seeks the advice of the Commission of Studies in order to prepare its recommendation.

Minimum seven (7) months prior to the end of appointment

The Evaluation Committee presents its recommendation.

First Board meeting following the 7th month prior to the end of appointment

A Board decision is made concerning the renewal or non-renewal.

Two (2) business days following the Board meeting

The decision is communicated in writing to the Director General and Directors of Constituent Colleges.