

CHAMPLAIN REGIONAL COLLEGE
OF GENERAL AND VOCATIONAL EDUCATION



BY-LAW NUMBER 3

**BY-LAW CONCERNING THE APPOINTMENT, THE
RENEWAL OF MANDATE AND THE EVALUATION OF THE
DIRECTOR GENERAL AND THE DIRECTOR OF STUDIES**

This by-law was adopted for the first time by Board of Governors resolution number 1456 on March 26, 1993 and subsequently amended by Resolutions:

1497 (Board of Governors)	December 8, 1993
1614 (Board of Governors)	December 13, 1995
1745 (Board of Governors)	March 11, 1998

Amended articles are indicated by the Resolution Number of the amendment appearing at the end of the article.

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Time frame for the renewal

**(when mandate terminates on June 30)
(or December 31)**

Before November 30 (before May 31)

Board (Secretary General) sends written notice that process is to begin

Before December 31 (before June 30)

Incumbent requests in writing to have mandate renewed

After January (after July) (or 30 days after Board notice)

Renewal procedures begin and must not exceed three (3) months

Before March 31 (before September 30)

Board notifies incumbent of renewal or non renewal of mandate

Before May 15 (November 15)

In the case of non-renewal, Board notifies incumbent of termination of employment or relocation to another position according to available positions in the College or according to the applicable Regulation of the Minister

Article 1 GENERAL PROVISIONS

1.01 Definitions

The definitions set forth in Articles 1.01 of By-Law Numbers 1 apply to By-Law Number 3. However, in By-law Number 3, the following expressions mean:

- a) "APPOINTMENT": the first mandate of a person as Director General or Director of Studies.
- b) "RENEWAL": the confirmation of an incumbent's mandate as Director General or Director of Studies for a new term. A non-renewal is the termination by the College of a mandate upon its expiry.
- c) "EVALUATION": the task undertaken annually to assess the performance of the incumbent.
- d) "REGULATIONS": the two Regulations decreed by the Minister by virtue of Section 18.1 of the Colleges 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 # 289 and subsequent modifications thereto).
- e) "BY-LAW 1": the By-law of the College concerning its general administration.
- f) "INCUMBENT": the person whom the College has appointed as Director General or Director of Studies.
- g) "TERM": the duration of an appointment.
- h) "FISCAL YEAR": July 1st to June 30th.
- i) "GOALS": General principles consistent with the College's Mission Statement articulated by the Board, and applied specifically to the management of the College's operations.
- j) "OBJECTIVES": specific tasks defined by the Board; these can be achieved on a short-term basis (maximum 1 year) and verified in a simple and concise manner.
- k) "INTERNAL BOARD MEMBER": a Board member who is a student or employee of the College.

- l) "EXTERNAL BOARD MEMBER": a Board member as defined under Article 2.01 a), d), h) and j) of By-law Number 1 only. (R. 1497)

1.02 Designation

The title of the present By-law is "By-law concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and of the Director of Studies" and is designated as "By-law Number 3". (R. 1497)

1.03 Jurisdiction

The Board of Governors shall be responsible for the appointment, the evaluation and the renewal of mandate of the Director General as well as of the Director of Studies. (R. 1497)

1.04 Subordination

By-law Number 3 is subordinate to the Act, the Regulations and By-law Number 1.

1.05 Confidentiality

Strict confidentiality must be observed by all participants at every stage of the processes outlined in this By-law.

All meetings of the Selection and Evaluation Committees that come under the jurisdiction of this By-law, including those held to consult with the Commission of Studies, shall be held *in camera*. (R. 1614)

1.06 Mandate

A mandate shall usually be for a period of not less than three (3) years and not more than five (5) years. Although a mandate is renewable, it shall not be automatically renewed.

The term of the mandate of an incumbent must be specified in the appointment resolution.

At the time of appointment of an incumbent, the Board may decide to have the expiry date of a mandate coincide with the end of the fiscal year, namely June 30 of the last year of the mandate.

Whenever possible, the mandates of the Director General and of the Director of Studies should end at least one year apart.
(R. 1497)

1.07 Vacancies

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

- a) the incumbent dies or submits his or her resignation which is accepted by the Board;
- b) the mandate is not renewed;
- c) the incumbent is removed from office or dismissed;
- d) after having obtained a leave of absence for public office, the

The position shall not be considered vacant if the incumbent's mandate is in the process of being renewed.

The Board must proceed with the appointment of a Director General or Director of Studies no later than one year after the position becomes vacant.
(R. 1497)

1.08 Interim Measures

The Board must proceed with the appointment of an interim incumbent when the position of Director General or Director of Studies is vacant.

When the Board appoints the Director of Studies as interim Director General, it normally also appoints an interim Director of Studies to replace the latter.

Interim appointments shall be valid for at least the duration of the selection process.

1.09 Removal from Office and Dismissal

By-law Number 3 does not define the procedure to be followed for the removal from office or the dismissal of an incumbent. It is necessary for such purpose to consult By-law Number 1 of the College and the applicable regulations of the Minister.

Article 2 APPOINTMENT

2.01 General Provisions

The Board shall proceed by public competition for the appointment of a Director General or a Director of Studies.

The Board shall determine the opening date of the public competition and shall so inform the personnel of the College by means of an internal posting.
(R. 1497)

2.02 Selection Committee

For the selection of the Director General, the Board shall form a Selection Committee composed of five (5) members of the Board chosen in the following manner:

- a) Chairperson of the Board; and
- b) Two (2) external Board members and two (2) internal Board members elected by the Board.

For the selection of the Director of Studies, the Board shall form a Selection Committee composed of seven (7) members as follows:

- a) Chairperson of the Board, and,
- b) Director General, and
- c) One (1) Director (Lennoxville, St. Lambert or St. Lawrence) named by the Board, and,
- d) Four (4) Board members, at least one (1) of whom must be an external Board member, all elected by the Board.

The Selection Committee shall be chaired by the Chairperson of the Board and shall elect one of its members to act as Secretary.
(R. 1497, 1614)

2.03 Procedure

The Board shall provide to the Selection Committee as a general framework:

- a) a timetable, including the steps in the process;
- b) specifications pertaining to the selection criteria, qualifications and the experience required;
- c) procedures for consultation with the Commission of Studies.

The Board may, if it deems appropriate, hire a consulting firm to assist the Selection Committee. It shall post internally in the College and advertise externally through appropriate newspapers to invite applications for the post.
(R. 1614)

2.04 Selection

The Selection Committee shall:

- a) receive the applications directly on behalf of the College and proceed to analyse them;
- b) interview all promising candidates;
- c) select a short list (approximately three or four) of the candidates who seem the most qualified to fill the position according to the established criteria;
- d) inform all other candidates of the College's decision not to retain their candidacy;
- e) decide on the best candidate;
- f) solicit references;
- g) consult the Commission of Studies.

(R. 1614)

2.05 Decision

The Chairperson and the Vice-Chairperson, in the case of hiring a Director General, or the Chairperson and the Director General, in the case of hiring a Director of Studies, shall meet with the successful candidate to discuss contract and working conditions in accordance with the Regulations. The Chairperson shall report to the Board *in camera* on the work of the Selection Committee and submit the name of the successful candidate along with pertinent documentation.

The Board makes its decision, which is announced by the Chairperson of the Board.

Should the Board refuse the recommendation of the Selection Committee, it may request that one of the other candidates be recommended. It may even be necessary for the Selection Committee to repeat the procedure.
(R. 1497)

Article 3 EVALUATION

3.01 Evaluation Committee

The Evaluation Committee shall be established by the Board from among its members.

For the evaluation of the Director General, the Committee shall be composed of:

- a) Chairperson of the Board;
- b) Two (2) external Board members;
- c) Two (2) internal Board members.

For the evaluation of the Director of Studies, the Committee shall be composed of:

- a) Chairperson of the Board;
 - b) Director General;
 - c) One (1) external Board member;
 - d) Two (2) internal Board members.
- (R. 1497)

3.02 Procedure

The Director General and the Director of Studies must be evaluated annually and such evaluation must be presented at the last Board meeting of the fiscal year. Notwithstanding the foregoing the Board may override the requirement for the Director General or the Director of Studies to be evaluated in a given year should the following conditions all be met:

- a) the Evaluation Committee has presented the Board with a positive evaluation for the incumbent in the current year;
- b) the Board, during the meeting at which it receives the positive evaluation, passes a resolution stating the year for which the incumbent will not be evaluated;
- c) there must be an evaluation of an incumbent at least every two years.

The Evaluation Committee, using established evaluation criteria, shall review the job description as well as the goals and objectives assigned to the incumbent at the beginning of the year. It may also use the selection criteria established by the College under Article 2 of By-law Number 3.

The Committee may solicit written comments and briefs from the College communities with

respect to the job description, criteria, goals and objectives mentioned above.

The Committee will provide the incumbent with an opportunity to be heard.

The Committee will evaluate the incumbent's performance with respect to the job description, goals and objectives, taking into account the circumstances which render the results easy, difficult, or impossible to attain.
(R. 1497, 1745)

3.03 Decision

The Evaluation Committee shall present its evaluation to the Board in an *in camera* meeting.

The Board shall provide the incumbent with a confidential written evaluation as well as appropriate recommendations for the following year.

The Board shall charge the Executive Committee with the responsibility of overseeing the implementation of these recommendations.

Article 4 RENEWAL

4.01 General Provisions

The Secretary General shall give notice, in writing, to the Director General or the Director of Studies at least thirty (30) days before initiating the procedure for the renewal of the incumbent's mandate. The Secretary General shall give such notice to the incumbent at least seven (7) months before the expiry of the incumbent's mandate.

At least six (6) months before the expiry of his or her mandate, the incumbent must inform the Chairperson of the Board of his or her decision to seek a renewal of mandate. Failure on the part of the incumbent to provide such notice shall be deemed to be a decision not to seek a renewal of mandate.
(R. 1497)

4.02 JURISDICTION

The Evaluation Committee shall make a recommendation to the Board regarding renewal of the incumbent's mandate.

4.03 Procedure

When the incumbent seeks a renewal of mandate, the Evaluation Committee shall:

- a) carry out the annual evaluation as per Article 3.02 of the present by-law;
- b) review all previous written evaluations and recommendations submitted under Article 3.03 of the present by-law;
- c) solicit written comments and briefs from the College communities;
- d) give the incumbent an opportunity to be heard, if the incumbent so desires;
- e) consult the Commission of Studies;
- f) prepare for the Board a recommendation regarding renewal, taking into account all of the above.

(R. 1614)

4.03 Decision

The Board discusses the report of the Evaluation Committee *in camera*. The incumbent has the right to be heard at this *in camera* session. The Board must decide on the renewal of the incumbent's mandate by means of a resolution, voted on by secret ballot.

The incumbent is informed, in writing, of the Board's decision to renew or not to renew the incumbent's mandate. The incumbent must receive such notice at least three (3) months before the expiry of the incumbent's mandate.

If the Board decides not to renew the mandate of the incumbent, the latter shall be informed by the Board, at least forty-five (45) days before the mandate expires, of the Board's intention to maintain or not to maintain the incumbent's employment by the College. The Regulations of the Minister shall apply, if need be.

Article 5 HIRING FORMALITIES

5.01 Contractual Clauses

Any contract of employment must comply with the applicable Regulation of the Minister.

5.02 Approval

All terms and conditions of employment must be expressly approved by the Board of Governors. Any clause not duly approved by the Board shall be null and void.

5.03 Signing Officers

- a) The contract of employment of the Director General shall be signed by the Chairperson and the Vice-Chairperson.
- b) The contract of employment of the Director of Studies shall be signed by the Chairperson and the Director General.

(R. 1497)