



Bylaw Number 3

Bylaw Concerning the Appointment, the Renewal of Appointment and the Evaluation of the Senior Executive



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

1497	December 8, 1993
1614	December 13, 1995
1745	March 11, 1998
2629	April 1, 2011
2794	October 25, 2013
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Articles subsequently amended are indicated by the resolution number of the amendment appearing at the end of the article.

Table of Contents

Article 1 General Provisions.....	3
1.1 Definitions	3
1.2 Designation.....	4
1.3 Jurisdiction.....	4
1.4 Subordination	4
1.5 Confidentiality	4
1.6 Appointment	4
1.7 Vacancies.....	4
1.8 Interim Measures	5
1.9 Removal from Office and Dismissal.....	5
Article 2 Appointment.....	5
2.1 General Provisions.....	5
2.2 Selection Committee	5
2.3 Procedure	6
2.4 Selection	6
2.5 Decision	7
Article 3 Evaluation	7
3.1 Evaluation Committee.....	7
3.2 Procedure	7
3.3 Decision	8
Article 4 Renewal of Appointment.....	8
4.1 Jurisdiction.....	8
4.2 Renewal Procedure	8
4.3 Decision	9
Article 5 Hiring Formalities	9
5.1 Contractual Clauses	9
5.2 Approval	10
5.3 Signing Officers.....	10

Article 1 General Provisions

1.1 Definitions

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

- a) “APPOINTMENT”: the mandate of a person as Director General or Director of Studies.
- b) “BYLAW 1”: the Bylaw of the College concerning its general administration.
- c) “COMPETENCIES”: Observable and transferable abilities which are deemed key to a position in order to achieve specific tasks or duties.
- d) “EVALUATION”: the task undertaken annually to assess the performance of the incumbent.
- e) “EXTERNAL BOARD MEMBER”: a Board member as defined under Article 2.01 a), d), h) and j) of Bylaw Number 1 only.
(R.1497)
- f) “FISCAL YEAR”: July 1st to June 30th.
- g) “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.
- h) “INCUMBENT”: the person whom the College has appointed as Director General or Director of Studies.
- i) “INTERNAL BOARD MEMBER”: a Board member who is a student or employee of the College.
- j) “OBJECTIVES”: specific tasks defined by the Board; these can be achieved on a short-term basis (maximum one (1) year) and verified in a simple and concise manner.
- k) “REGULATIONS”: the two (2) 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 # 2-89 and subsequent modifications thereto).
- l) “RENEWAL”: the confirmation of an incumbent’s renewed appointment 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.
- m) “SENIOR EXECUTIVE”: the Director General or the Director of Studies of the College.
- n) “TERM”: the duration of an appointment.

1.2 Designation

The title of the present Bylaw is “Bylaw concerning the Appointment, the Renewal of Appointment and the Evaluation of the Senior Executive” and is designated as “Bylaw Number 3”.

(R. 1497)

1.3 Jurisdiction

The Board of Governors shall be responsible for the appointment, the evaluation and the renewal of appointment of the Senior Executive.

(R. 1497)

1.4 Subordination

Bylaw Number 3 is subordinate to the Act, the Regulations and Bylaw Number 1.

1.5 Confidentiality

Strict confidentiality must be observed by all participants 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 Commission of Studies, shall be held in camera.

(R. 1614)

1.6 Appointment

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

The term of the appointment of the Senior Executive must be specified in the appointment resolution.

At the time of appointment of a Senior Executive, the Board may decide to have the expiry date of a mandate coincide with June 30 of the last year of the mandate.

Whenever possible, the appointment of the Senior Executives should end at least one (1) year apart.

(R. 1497)

1.7 Vacancies

A vacancy shall occur in a Senior Executive position 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 appointment is not renewed;

- c) the incumbent is removed from office or dismissed;
- d) after having obtained a leave of absence for public office.

The position shall not be considered vacant if the Senior Executive's appointment is in the process of being renewed.

The Board must proceed with the appointment of a Senior Executive no later than one (1) year after the position becomes vacant.

(R. 1497)

1.8 Interim Measures

The Board must proceed with the appointment of an interim incumbent when a Senior Executive position 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.

1.9 Removal from Office and Dismissal

Bylaw Number 3 does not define the procedure to be followed for the removal from office or the dismissal of a Senior Executive. It is necessary for such purpose to consult Bylaw Number 1 of the College and the applicable regulations of the Minister.

Article 2 Appointment

2.1 General Provisions

The Board shall proceed by public competition for the appointment of a Senior Executive.

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)

2.2 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) Campus 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)

2.3 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 media to invite applications for the post.

(R. 1614)

2.4 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 (3) or four (4)) 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)

2.5 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

3.1 Evaluation Committee

The Evaluation Committee shall be established by the Board amongst its external members.

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

- a) Chairperson of the Board;
- b) Vice-Chairperson of the Board;
- c) Three (3) external members.

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

- a) Chairperson of the Board;
- b) Vice-Chairperson of the Board;
- c) Director General;
- d) Two (2) external Board members;

(R. 1497, R. 2794, R. 2965)

3.2 Procedure

The Senior Executive must be evaluated annually and such evaluation must be presented at the last Board meeting of the fiscal year.

The Evaluation Committee, using established evaluation criteria, must review the performance plan of the Senior Executive as approved by a resolution of the Board of Governors at the first meeting of the academic year.

The Senior Executive will present two (2) progress reports and a self-evaluation pertaining to the performance plan to the Evaluation Committee.

The Evaluation Committee may also solicit written comments and briefs from the College communities with respect to the performance plan and competencies mentioned above.

The Evaluation Committee will evaluate the incumbent's performance with respect to the performance plan and competencies, taking into account the circumstances which render the results easy, difficult, or impossible to attain.

(R. 1497, 1745)

3.3 Decision

The Evaluation Committee:

- a) shall prepare a report summarizing the evaluation process, results and recommendations;
- b) provide the Senior Executive with an opportunity to be heard; and
- c) present its final evaluation report to the Board in an "in camera" meeting.

The Board shall:

- a) provide the incumbent with a confidential written evaluation;
- b) formulate recommendations for the following year;
- c) charge the Executive Committee with the responsibility of overseeing the implementation of these recommendations.

Article 4 Renewal of Appointment

4.1 Jurisdiction

The Evaluation Committee shall make a recommendation regarding the renewal of the appointment of the Senior Executive to the Board of Governors.

4.2 Renewal Procedure

- a) The Chairperson of the Board shall consult, no later than ten (10) months prior to the end of mandate with the Senior Executive to seek his/her interest towards the renewal of appointment.
- b) The Chairperson must notify the Senior Executive 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 Senior Executive, the Evaluation Committee shall consider any or all of the following in preparing its recommendation:
 - performance plans;
 - written evaluation reports of previous years and recommendations as per 3.03;

- outcomes linked to the CSAP and AOPs;
- elements of either a positive or negative nature that might have emerged since the most recent evaluation;

and shall consult the Commission of Studies.

- d) The Evaluation Committee shall submit a written recommendation to the Board regarding the renewal of appointment of the Senior Executive no later than seven (7) months prior to the end of his or her employment contract.
- e) In the event that no such recommendation from the Evaluation Committee is forthcoming within the time period specified above, the Board of Governors shall proceed under its own authority to renew or to not renew the appointment of the Senior Executive.

4.3 Decision

- a) At the first meeting of the Board of Governors to be held within seven (7) months of the end of the appointment of the Senior Executive, the Board shall meet in camera and decide on the matter of the renewal of this appointment.
- b) The Evaluation Committee shall be invited to table its written recommendation on the matter accordingly. In the event no such written recommendation has been prepared, the Evaluation Committee shall be invited to comment on any or all of items listed in 4.02 c).
- c) The Senior Executive shall be invited to this same meeting to discuss consideration of his or her renewal with the Board. This discussion shall be held in camera.
- d) The Board shall decide on the renewal of the appointment by resolution.
- e) In the case of renewal, the resolution must indicate the duration of appointment.
- f) The Senior Executive shall be informed in writing of the decision of the Board no later than two (2) business days following this meeting.
- g) In the case of 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 Senior Executive and to sign such a contract on behalf of the College within thirty (30) calendar days.

In the event the Board and the Senior Executive agree that a different date would be more suitable in order to come to a mutually acceptable resolution regarding the renewal of appointment, a duly authorized member of the College and the Senior Executive shall agree in writing on a new date.

- h) In the case of non-renewal, the Regulations of the MESRST apply.

Article 5 Hiring Formalities

5.1 Contractual Clauses

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

5.2 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.

5.3 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)

TIMEFRAME FOR THE RENEWAL PROCESS

Minimum ten (10) months prior to end of mandate

Chairperson consults the Senior Executive on interest in renewal of appointment.

Thirty (30) days prior to undertaking the renewal procedure

Board (Secretary General) sends written notice to the Senior Executive 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 Senior Executive.