



Association of Administrators of English Schools of Quebec

Association des administrateurs des écoles anglaises du Québec

Legal Assistance Policy

To Members

And

Local Management Associations

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Legal Assistance Policy

Preamble

1. Definitions:

Association: Association of Administrators of English Schools of Quebec (AAESQ)

Member: Any employee of English School Boards of Quebec occupying an administrator's position and admitted as a member of the Association according to its general rules.

2. Commitment of the Association to its members

The Association undertakes to inform its members of the content of their rights and obligations in matters of labor relations, including the elements related to their insurance and pension plans which are part of it.

The Association undertakes to advise its members on the various subjects related to their working conditions.

The Association undertakes to support its members and ensure their representation for the purposes of the recourses provided for in the Regulation.

The Association believes the interest of its members is best served through assuring the availability of high-quality legal assistance services within the scope of the means of AAESQ and local associations, and as provided by the present policy.

The members of the AAESQ hold positions of responsibility within society which make them particularly vulnerable to legal action or to complaints.

Consequently, the AAESQ has established a Legal Assistance Policy with access to a Legal Support Fund as well as providing legal counsel and advice through the AAESQ office.

The main purpose of the policy is to aid the administrator or group of administrators experiencing difficulty at work by helping to defray legal fees for active members of the “Local Management Association” (“L.M.A.”) of an English School Board of the Province of Quebec and of the AAESQ who may become involved in legal proceedings related to their profession or who may need to seek legal advice related to complaints of harassment or wrongdoings as per the Act Bill 87 brought forward involving them, the whole as the modalities set forth in the present policy.

A document, containing procedures for the application of this policy, is available under separate cover. The contents of this document will be updated annually and will be the responsibility of the AAESQ Executive and Board of Directors. Any financial considerations will be included in the annual budget and thus, be approved at the Annual General Meeting of the AAESQ.

General Description of the Legal Support Fund

The amount established to make provision for the Legal Support Fund is taken from an investment fund established for the purpose of Legal Support and managed by the Executive Committee of AAESQ and the Board of Directors of AAESQ.

The Legal Support Fund is to be used to provide financial support for legal services in connection with the “Local Committee and Appeals Committee” of the “Regulation” or legal proceedings or legal consultations that meet the criteria for assistance. The amount assigned to individual cases will be determined annually by the Executive and Board of Directors of AAESQ based on the availability of funds.

The member will be eligible to receive assistance only once for each event. Should the fund be exhausted, no further assistance will be provided without the approval of the Board of Directors of the AAESQ.

If AAESQ has to submit a “Notice of Disagreement” at the *Greffe de l’Éducation* for a member, the member has to send a retainer to AAESQ and it will be held “In Trust” until such time that it is required for use in the file.

In the event that there is a conclusion/decision and/or the “Notice of Disagreement” is withdrawn and that the AAESQ’s portion has not been exhausted, the member’s retainer will be returned in its entirety as per the modalities set forth in the agreement signed by the member.

In the event that there is a conclusion/decision and/or the “Notice of Disagreement” is withdrawn and that the AAESQ’s portion has been exhausted, the member’s retainer will be applied to pay the unpaid portion of the legal fees and expenses. In such a situation the member will be responsible for the payment of all further costs exceeding the legal fund coverage authorized by the AAESQ for his/her file, as per the modalities set forth in the agreement signed by the member.

In the event that there is no conclusion/decision and/or the “Notice of Disagreement” is not withdrawn and that the AAESQ’s portion has been exhausted, the member’s retainer will be applied to pay the unpaid portion of the legal fees and expenses. In such a situation the member will be responsible for the payment of all further costs exceeding the legal fund coverage authorized by the AAESQ for his/her file, as per the modalities set forth in the agreement signed by the member.

The expenses for the AAESQ appointee to the Appeals Committee in accordance with the Regulation are properly those of the AAESQ.

The Legal Assistance Policy does not automatically entitle a member to financial assistance through the Legal Support Fund.

The Executive Committee of the AAESQ will consider requests for assistance. In helping to make its decision the Executive Committee of the AAESQ may refer the request to the Board of Directors of the AAESQ for consideration and a recommendation as to whether or not to grant the request.

In the event that the Executive Committee refuses a request that has been brought to them for assistance, the “L.M.A.” concerned has the right to appeal to the Board of Directors of the AAESQ whose decision shall be binding.

Criteria for Assistance

1. The administrator requesting legal assistance must be an active member in good standing of both the “L.MA.” and the AAESQ. The administrator will not be covered by the present policy if, when he/ she becomes a member has already a problem and/or file with his/her employer, the insurer, the retirement plan or at work.
2. Furthermore, the member requesting legal assistance will not be covered by the present policy if the request for legal assistance is made for such coverage within six (6) months of his/ her adhesion to the Association.
3. To benefit from these advantages, the member must continue to respect the statutes or regulations of the Association, act in good faith, pursue activities compatible with the aims of the Association and not act against the collective interests of the members.
4. A member must agree to sign a mandate with the Association allowing the Association to act in his name and any refusal, in this sense, will limit the commitments of the latter accordingly. This mandate is linked to the period of participation of the administrator as a member of the Association and cannot survive any departure or exclusion.
5. The Association expects the full cooperation of the member to act on its behalf. Failure to do so will authorize the Association to limit or withdraw its support to that member.
6. An impulsive gesture by a manager, such as his/her resignation, will limit the Association's commitments to him/her accordingly.
7. Legal Support will be considered only for events directly related to a member's normal duties as outlined in the person's job description both at the school board and / or in the Regulation. Excluded shall be cases involving management decisions whose defense, in the opinion of the Executive Committee of the AAESQ, is properly the responsibility of the School Board(s) by whom the administrator is employed. If the school board, in the opinion of the member, does not provide support then the member should contact the AAESQ for further advice.
8. Any member who receives legal assistance must agree to sign a mandate and an agreement to reimburse the AAESQ for such assistance in the event the member recovers the cost of legal fees or receives an award of damages in the legal proceeding for which assistance is provided.

9. In order to obtain financial assistance from the Legal Support Fund in the case of a “disciplinary measure” or “dismissal” or any other action for which there is provision as per the Local Committee and Appeals Committee of the Regulation, the member concerned must within the time limits specified, proceed according to the provisions of the Regulation.
10. At the same time the member concerned, after consultation with AAESQ as to the lawyer to be engaged, may seek legal consultation in order to obtain an opinion as to whether legal action is necessary. This cost will be included in the maximum amount decided by the AAESQ Executive and Board of Directors.

In this event, the member must advise his / her attorney in writing that there is provision as per the Local Committee and Appeals Committee of the Regulation and that action has been taken or will be taken within the specified “time limits”¹. A copy of the communication must at the same time be sent to the AAESQ.

¹ Regulation Montréal respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de, (Regulation), C.T.203162, 2005-12-13, Articles 193 and / or 274, Education Act (R.S.Q., c. I-13.3, s. 451)

Summary of the acronyms

Association of Administrators of English Schools of Quebec.....	AAESQ
Association of Directors General of English School Boards of Quebec.....	ADGESBQ
Local Management Associations	LMA
Local Management Policy.....	LMP
Ministère de l'Éducation	MEQ
Quebec English School Boards Association	QESBA
<i>Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal (C.T.203162, 2005-12-13, Article 1, Education Act (R.S.Q., c. I-13.3,s.451)).....</i>	REGULATION