

By-Law Number 2

CONCERNING

THE APPOINTMENT, THE RENEWAL OF MANDATE AND THE EVALUATION OF THE DIRECTOR GENERAL AND OF THE ACADEMIC DEAN

Approved by the Vanier College Board of Directors, April 2, 2013.

Amended by resolution 96-S-2-A, September 16, 2014.

Amended by resolution 328-7-E, March 29, 2016.

TABLE OF CONTENTS

Article 1	GENERAL PROVISIONS	3
1.01	Definitions.....	3
1.02	Consultation with Academic Council.....	3
1.03	Designation.....	3
1.04	Jurisdiction and Responsibility for Implementation.....	3
1.05	Record Keeping.....	3
Article 2	VACANCY	4
2.01	General Rules.....	4
2.02	Interim Measures	4
Article 3	SELECTION AND APPOINTMENT	4
3.01	Preparation	4
3.02	Publication	4
3.03	Selection Committee	5
3.04	Consulting Services	5
3.05	Mandate	5
3.06	Inability to Recommend	6
3.07	Confidentiality	6
3.08	Referral to Academic Council	6
3.09	Board Selection Process.....	6
3.10	Refusal of Recommended Candidate	7
4.01	General Provisions	7
4.02	Procedures.....	7
4.03	Academic Council Process	8
4.04	Mandate Renewal Committee.....	8
4.05	Decision	8
Article 5	ANNUAL PERFORMANCE EVALUATION	9
5.01	Evaluation Process.....	9
5.02	The Annual Evaluation Committees and their Mandate	9
5.03	Annual Evaluation Procedure	9
5.04	Decision	9
5.05	Miscellaneous Provisions.....	10
Article 6	WORKING CONDITIONS AND OBJECTIVES	10
6.01	Contractual Clauses	10
6.02	Approval.....	10
6.03	Signing Officers	10
6.04	Assignment of Objectives	10

Article 1 GENERAL PROVISIONS

1.01 Definitions

The definitions set forth in clause 1.01 of By-law Number 1 apply to By-law Number 2. In this By-law, the following expressions mean:

- a) **“Act”**: General and Vocational Colleges Act. (R.S.Q., Chapter C-29 A)
- b) **“Regulation”**: Regulation (R.S.Q., chapter C-29, r. 3.3.01) decreed by the Minister by virtue of Article 18.1 of the Act which determines certain working conditions of the Director General and the Academic Dean;
- c) **“Objectives”**: Specific, usually short-term tasks defined by the Board, the attainment of which should be measurable in a simple and concise manner;
- d) **“Appointment”**: The decision by the Board to hire a person for a first mandate as Director General or as Academic Dean;
- e) **“Renewal”**: The decision by the Board to renew the mandate of an incumbent as Director General or as Academic Dean;
- f) **“Evaluation”**: The document which states the Board’s assessment of the performance of the Director General or the Academic Dean for a given academic year and the process related thereto.
- g) **“Board Members”**: All members appointed by the Minister, appointed by members of the Board, elected by faculty, or parents, or professionals, or support staff or students.

1.02 Consultation with Academic Council

Academic Council must be consulted and its recommendation received by the Board on all appointments and renewals covered by this By-law.

1.03 Designation

This By-law, which is subject to the Act and the Regulation, is entitled “By-law concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean” and is designated as By-law Number 2.

1.04 Jurisdiction and Responsibility for Implementation

The Chair of the Board acts as the agent of the Board in the application of this By-law and is responsible for its implementation. Furthermore, unless indicated otherwise, the Chair of the Board shall act as the spokesperson of the College in matters of communication with the persons or the bodies consulted by virtue of this By-law as well as with the incumbents for the Director General and the Director General for the Academic Dean.

1.05 Record Keeping

Appropriate records shall be maintained by the Secretary General. Annual performance evaluations and documents related to the mandate renewal will be kept in a sealed envelope. The Chair of the Annual Evaluation committee and the Chair of the Mandate Renewal Committee will have access to these documents for the purpose of continuity of the incumbents’ evaluation process.

Article 2 VACANCY

2.01 *General Rules*

The Board must begin the process of appointment of a Director General or an Academic Dean at a regular or special meeting during which the Chair has advised Board members of a vacancy or eventual vacancy in the position.

A position covered by this By-law is vacant:

- a) upon the death or legal incapacity of the incumbent;
- b) on the effective date of an incumbent's resignation;
- c) on the day immediately following the expiry date of the mandate of an incumbent who has not requested a mandate renewal within the deadlines provided for in this By-law;
- d) on the day immediately following the expiry date of the mandate of an incumbent whose mandate has not been renewed by the Board;
- e) on the effective date of the dismissal or removal from office of an incumbent by the Board under Article 20.2 of the Act.

2.02 *Interim Measures*

When circumstances warrant, the Board may appoint an interim Director General or an interim Academic Dean for a specified period of time. The Board shall proceed as soon as possible with the selection of an interim appointee when the position of Director General or Academic Dean is vacant.

The Chair, the Vice Chair, and one external Board member shall comprise the Appointment Committee for the interim Director General. The Chair, Vice Chair and the Director General shall comprise the Interim Appointment Committee for the Academic Dean. When the Interim Selection Committee has a candidate to recommend, the Chair will consult the Academic Council for its recommendation. Considering the Academic Council's recommendation, the Board will then decide on the appointment of the interim Director General or interim Academic Dean.

If the Board appoints the Academic Dean as interim Director General, it will normally appoint an interim Academic Dean to replace the latter.

Article 3 SELECTION AND APPOINTMENT

3.01 *Preparation*

The Board shall establish a timetable and a procedure for the selection and appointment process.

Guided by the Strategic Plan, the Board shall adopt a statement of challenges and issues in relation to the vacant position. This statement will outline what the Board expects the incumbent to address during the first mandate.

The Board shall send this statement of challenges and issues as well as selection criteria to Academic Council for recommendation. After receiving Academic Council's recommendation, the Board shall then determine the selection criteria, qualifications, and experience required for the position.

3.02 *Publication*

The Board shall open a public competition for a vacant position by:

- a) posting, physically and/or electronically, a notice in the Vanier community;
- b) advertising the vacancy in the college network;

- c) advertising the vacancy in at least one English and one French daily newspaper in the province;
- d) any other means the Board deems appropriate.

3.03 Selection Committee

The Board shall form a Selection Committee composed of seven members.

The members of the Selection Committee shall be chosen in the following manner:

a) **in the case of the Director General:**

- the Chair of the Board who shall chair the Selection Committee;
- the Vice-chair of the Board;
- two Board Members not working or not studying at the College;
- three Board Members, working or studying at the College, one of whom must be a faculty member
- the Vice-Chair of Academic Council as a non-voting member.

b) **in the case of the Academic Dean:**

- the Director General who shall chair the Selection Committee;
- the Chair of the Board;
- two Board Members not working or not studying at the College;
- three Board Members, working or studying at the College, two of whom must be faculty members
- the Vice-Chair of Academic Council as a non-voting member.

A delegate named by the Chair shall serve as Secretary to the Selection Committee and shall provide the technical support required by the Selection Committee.

3.04 Consulting Services

The Board may hire a consulting firm to assist the Selection Committee in its work, including the tasks assigned to the Selection Committee under clauses 3.05 a), b), c) and d). The assignment of these tasks to a consulting firm shall be at the discretion of the Board.

3.05 Mandate

The Selection Committee shall:

- a) solicit and receive candidacies;
- b) screen all candidates, eliminating those who do not meet the qualifications set by the Board;
- c) make a short list of eligible candidates to be interviewed by the Selection Committee based on the selection criteria adopted by the Board;
- d) ensure that the references of the selected candidate are verified;
- e) prepare a report to the Board 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 d).
- f) respect the deadline, established by a Board resolution, specifying the date by which a recommendation must be made to the Board.

3.06 Inability to Recommend

In the event that the Selection Committee is unable to recommend a candidate, it must so inform the Board stating its reasons in writing. The Selection Committee's mandate is then complete. Taking the Selection Committee's report into account, the Board may decide to interview candidates itself or it may re-institute the entire process, including electing new members to the Selection Committee.

3.07 Confidentiality

- a) Committees will be obligated to operate in-camera, and on the basis of strictest confidentiality.
- b) It is the obligation of all Committee members never to discuss outside of the Committee what has been said during a meeting, nor to divulge the confidences and opinions concerning potential candidates for the position, nor to reveal any information that may identify any of the candidates.
- c) Committee members must complete and sign an Oath of Confidentiality.
- d) Interviews of candidates conducted by the Selection Committee must be held outside the college.

3.08 Referral to Academic Council

When the Selection Committee has a candidate to recommend to the Board, the Chair of the committee shall ask the Chair of Academic Council to consult with Academic Council on the candidate for the purpose of giving its official recommendation to the Board. Appropriate documentation will be forwarded to Academic Council for this consultation if necessary. Academic Council's recommendation to the Board on the candidate shall be presented at the same Board meeting as the Selection Committee presents its recommendation.

When Academic Council wishes to interview the candidate in person, the following conditions apply:

- a) The candidate shall at all times be accompanied by the Chair of the Selection Committee or a person so delegated by the Chair who shall present the candidate at a special meeting of Academic Council;
- b) The special meeting shall take place on the same day as the Board meeting at which the Board shall make its decision on the candidate, just before the Board meeting;
- c) The special meeting of Academic Council shall be in camera and the activities shall remain confidential.

For the selection of an Academic Dean, the functions of the Chair of Academic Council shall be assumed the Vice-Chair of Academic Council.

3.09 Board Selection Process

At a special meeting called for the purposes of appointing a new Director General or a new Academic Dean, the Board shall, in camera:

- a) receive the report of the Selection Committee;
- b) receive the recommendation of Academic Council
- c) review the application of the recommended candidate;
- d) interview the candidate at this meeting, if it deems necessary;

Should the Board accept the recommendation of the Selection Committee it shall do so by means of a two-part resolution: the first part to name the candidate and the second part to determine the length of the mandate.

3.10 Refusal of Recommended Candidate

Should the Board not accept the candidate recommended by 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 the phase that it deems most appropriate. The Board may, by resolution:

- a) ask the Selection Committee to recommend another candidate;
- b) hold new elections for membership on the Selection Committee;
- c) establish new selection criteria or make other changes that it deems appropriate to the selection process;
- d) postpone the selection for a specified period and make an interim appointment

Article 4 RENEWAL OF MANDATE

4.01 General Provisions

At least nine (9) months before the expiry of the incumbent's mandate, the Chair of the Board shall give the Director General or the Academic Dean written notice of the Board's intention to begin renewal procedures.

Within 30 days of receiving this notice, the incumbent must inform the Chair of the Board in writing of his or her decision to seek another term of office. 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. The incumbent who decides not to seek a renewal shall nevertheless be evaluated in accordance with Article 5 of this By-Law for the purposes of making a recommendation for the implementation to the bonus provision of clause 5.04.

4.02 Procedures

When the incumbent seeks a renewal of mandate, the Board, in lieu of the procedures for the annual performance evaluation provided for in Article 5 of this By-law, shall:

- a) adopt a statement of the challenges and issues the Board expects to be addressed during the subsequent mandate;
- b) **in the case of the Director General:** appoint a Mandate Renewal Committee comprised of:
 - the Chair of the Board who shall chair the Mandate Renewal Committee;
 - the Vice-chair of the Board;
 - two Board Members not working or not studying at the College;
 - three Board Members working or studying at the College, one of whom must be a faculty member
 - the Vice-Chair of Academic Council as a non-voting member.
- c) **in the case of the Academic Dean:** appoint a Mandate Renewal Committee comprised of:
 - the Director General who shall chair the Mandate Renewal Committee
 - the Chair of the Board
 - two Board Members not working or not studying at the College;
 - three Board Members working or studying at the College, two of whom must be faculty members
 - the Vice-Chair of Academic Council as a non-voting member
- d) adopt a timetable that respects the deadlines in the Regulation and which keeps the process limited to a three-month period;
- e) advise the incumbent of the date of the meeting at which the decision on the renewal of mandate will be made;
- f) advise the Academic Council in writing of the timetable adopted for the renewal process and request the recommendation of Academic Council on the renewal.

A delegate named by the Chair shall serve as Secretary to the Renewal Committee and shall provide the technical support required by the Renewal Committee.

4.03 Academic Council Process

In the thirty days following receipt of the notice provided for in clause 4.02, the Chair of Academic Council will advise the Board in writing of the process Academic Council intends to undertake in fulfilling its obligations. At the beginning of the process, Academic Council could make recommendations to the Mandate Renewal Committee regarding the process and criteria for evaluation.

As part of the process of developing a recommendation, the candidate might be invited to discuss the renewal with Academic Council and the Mandate Renewal Committee.

4.04 Mandate Renewal Committee

Before the Mandate Renewal Committee makes its final decision, Academic Council will make a recommendation to the committee concerning the renewal. Academic Council's recommendation will also be forwarded to the Board when the Mandate Renewal Committee makes its report.

The Mandate Renewal Committee shall:

- a) review the incumbent's evaluations during the current mandate and interview, if appropriate, former Board Chairs who may have participated in those evaluations;
- b) consult members of the Vanier community, including Board members, on the incumbent's ability to address the challenges and issues as outlined in the statement adopted under clause 4.02a) above and the Strategic Plan;
- c) consult external organizations, such as other colleges, the Fédération des Cégeps or the Ministry;
- d) advise the incumbent of the details of the process of consultation to be carried out under clauses 4.03, 4.04b) and 4.04c) above, and, upon request of the incumbent, consult others if deemed appropriate by the Chair;
- e) request a statement from the incumbent on his/her abilities to address the challenges and issues as outlined in the statement adopted under clause 4.02a);
- f) give the incumbent an opportunity to meet with the Mandate Renewal Committee prior to its making a recommendation to the Board;
- g) prepare and present a written recommendation to the Board on the renewal of the incumbent's mandate.

4.05 Decision

During a regular or special Board meeting the Board shall, in camera:

- a) receive the recommendation of the Mandate Renewal Committee;
- b) receive the recommendation of Academic Council;
- c) give the incumbent an opportunity to be heard, if the incumbent so desires.

Should the Board decide to renew the incumbent's mandate, it shall do so by means of a two-part resolution: the first part to renew the mandate and the second part to determine the length of the mandate.

Should the Board decide not to renew the incumbent's mandate, it shall do so by resolution, including the College's decision under Article 35 of the Regulation. The Chair shall so inform the incumbent in writing within the deadlines provided in the Regulation.

Article 5 ANNUAL PERFORMANCE EVALUATION

5.01 *Evaluation Process*

The annual performance evaluation process is conducted in camera and is designed to be formative in that it endeavours:

- a) to clarify the expectations of the Board and of the incumbents;
- b) to promote communication; and,
- c) to provide feedback, assistance, support and direction to the incumbents to help them fulfill their mandate.

5.02 *The Annual Evaluation Committees and their Mandate*

The Chair, the Vice-chair of the Board and one External Board member shall comprise the Evaluation Committee for the Director General. The Chair, the Vice-chair and the Director General shall comprise the Evaluation Committee for the Academic Dean. The Evaluation Committees are responsible for initiating the evaluation process determining the scope of the evaluation and submitting a final evaluation to the Board.

The Chair may ask the Director of Human Resources, or a delegate named by the Chair, to provide technical support in carrying out these responsibilities.

5.03 *Annual Evaluation Procedure*

Each year the Annual Evaluation Committee shall evaluate the incumbent's performance with regard to the job description, the responsibilities under By-law Number 1, and the achievement of the objectives set by the Board including the objectives set in the Strategic Plan of the College for the year in question.

Every year, no later than May 15th, the incumbent shall submit to the Chair a written self-evaluation covering activities and accomplishments since the previous evaluation, taking into account the objectives set out in paragraph 6.04.

The Chair shall consult each Board member for their views on the incumbent's performance. A summary of the consultation findings shall be shared at the Board but the identity of the individual will not be divulged. Taking into account the incumbent's self-evaluation, and the views of Board members, the Evaluation Committee shall prepare an interim written evaluation, review it with the incumbent, finalize it and proceed according to clause 5.04.

5.04 *Decision*

Every year, no later than June 15th, the Board shall receive the final written evaluation in camera.

In accordance with Section 12 of the General and Vocational Colleges Act, the internal Board members must withdraw from a meeting while the matter of remuneration is discussed or voted on.

The Chair shall provide the Director General and the Academic Dean with a copy of their final written evaluations from their respective evaluation committee.

The incumbent shall have the right to respond to the written evaluation in writing.

The Chair of the Board will prepare a brief statement to the Vanier Community, in order to share appropriate highlights of the evaluation and share some of the achievements and future challenges for the college.

A sealed copy of the final written evaluation shall be kept in the incumbent's personnel file for the duration of the mandate for the purposes stated in clause 4.04a) and 1.05

5.05 *Miscellaneous Provisions*

If fewer than six months have elapsed since the evaluation of the incumbent in the context of mandate renewal or since an incumbent's appointment, the Board may, by resolution, waive an incumbent's annual performance evaluation for a given academic year.

Meetings of the Board and of the Evaluation Committee on this subject shall be held in camera to ensure the confidentiality of their activities.

Article 6 WORKING CONDITIONS AND OBJECTIVES

6.01 *Contractual Clauses*

Following an appointment or a renewal decision by the Board, the Chair and Vice-Chair of the Board shall represent the College in the negotiation with the Director General of those working conditions not covered by the Regulation including the determination of salary. In the case of the Academic Dean, the College's representatives shall be the Chair and the Director General.

6.02 *Approval*

All terms and conditions of employment negotiated under clause 6.01 must be expressly approved by resolution of the Board.

6.03 *Signing Officers*

- a) The contract of employment of the Director General shall be signed by the Chair and the Vice-Chair.
- b) The contract of employment of the Academic Dean shall be signed by the Chair and the Director General.

6.04 *Assignment of Objectives*

Every year, no later than May 31st, the Director General and the Academic Dean shall propose to the Executive Committee their objectives for the following year. In the case of the Director General the proposal is made in collaboration with the Chair and Vice-chair of the Board. In the case of the Academic Dean, the proposal is made in collaboration with the Director General and after consultation with Academic Council.

Taking into account these proposals, the Executive Committee shall recommend to the Board the objectives to be assigned to the Director General and to the Academic Dean.

The Chair shall communicate these objectives to the Vanier community.

The objectives of a newly appointed Director General or Academic Dean shall be assigned by the Board at the time of appointment.