

Bylaw Number 3

CONCERNING

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

(Administrative Version)

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Relevant sections of the Colleges' Act and the Regulation appear in the boxes and have been inserted for information purposes only. The number appearing in the box corresponds to the article number of the Act or the Regulation.

Article 1 GENERAL PROVISIONS

1.01 Definitions

The definitions set forth in clause 1.01 of Bylaw Number 1 apply to Bylaw Number 3. In this bylaw, the following expressions mean:

- a) **“Regulation”**: Regulation (RSQ ch. C-29, r. 3.3) 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;
- b) **“Objectives”**: Specific, usually short-term tasks defined by the Board, the attainment of which should be measurable in a simple and concise manner;
- c) **“Appointment”**: The decision by the Board to hire a person for a first mandate as Director General or as Academic Dean;
- d) **“Renewal”**: The decision by the Board to renew the mandate of an incumbent as Director General or as Academic Dean;
- e) **“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.

1.02 Consultation with the Senate

Senate must be consulted and its advice received by the Board on all appointments and renewals covered by this bylaw.

1.03 Designation

This bylaw, which is subject to the Act and the Regulation, is entitled “Bylaw concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean” and is designated Bylaw Number 3.

1.04 Jurisdiction and Responsibility for Implementation

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 shall act 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.

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 Bylaw 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 bylaw;
- 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.

Article 3 SELECTION AND APPOINTMENT

Colleges' Act

- 20. The board, after consultation with the academic council, shall appoint a director general and an academic dean for a period of not under three nor over five years.

Regulation of the Minister

- 27. A college may select its senior executives according to such eligibility requirements as it may adopt.
- 28. The duration of a senior executive's appointment must be indicated in the appointment resolution.

3.01 Preparation

The Board shall establish a timetable and a procedure for the selection and appointment process and shall determine the selection criteria, qualifications and experience required for the position.

The Board shall adopt a statement of challenges and issues in relation to the vacant position that the Board expects to be addressed during the first mandate.

The Board shall consult the Senate on these matters.

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 Dawson community;
- b) advertising the vacancy in the college network;
- c) advertising the vacancy in a national newspaper and 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. In addition, the Chair of Senate shall be an ex officio non-voting member.

The Chair of the Board shall be the Chair of the Selection Committee. In addition to the Chair, the other members shall be chosen in the following manner:

- a) **to select a new Director General:** at least three members from among those Board members who are not College employees and at least two members from among those Board members who are College employees;
- b) **to select a new Academic Dean:** the Director General, three members from among those Board members who are not College employees and two members from among those Board members who are College employees.

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 Selection Committee.

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) verify the references of the selected candidate;
- 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).

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

The Selection Committee shall hold its meetings in camera and shall take every measure to ensure the confidentiality of its activities.

3.08 Referral to the Senate

When the Selection Committee has a candidate to recommend to the Board, the Chair shall ask the Chair of the Senate to consult with the Senate on the candidate for the purposes of giving its official advice to the Board. The Chair of the Senate shall present the Senate's advice to the Board on the candidate at the same Board meeting as the Selection Committee presents its recommendation. Should the Senate wish 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 who shall present the candidate at a special meeting of the Senate;
- 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;
- c) the special meeting of the Senate shall be in camera and the activities shall remain confidential.

3.09 Board Selection Process

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

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

Should the Board accept the candidate recommended by 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

Colleges Act

20. The board may extend the term of office of the principal and of the academic dean after taking the advice of the academic council.

Regulation of the Minister

30. The college must notify its senior executive in writing at least 30 days prior to commencing procedures for the renewal of his appointment.
31. The college must give its senior executive an opportunity to be heard. To this end, the senior executive shall be notified of the time and place where the decision will be made on the renewal of his appointment.
32. When the college decides to renew or not to renew the appointment of its senior executive, it shall notify him in writing at least 90 days before the date of expiry of his appointment.
33. Where the college renews the appointment of its senior executive, the duration of the renewal must be indicated in the resolution.
34. Where the college decides not to renew the appointment of its senior executive, it shall notify him, at least 45 days before the expiry of his appointment, of its decision to continue or to terminate his employment relationship by informing him:
 - (1) that he is reassigned to an open position;
 - (2) that he is designated as supernumerary staff; or
 - (3) that he may avail himself of any of the employment termination benefits covered by Chapter V.
35. Notwithstanding section 35, a senior executive whose appointment is not renewed may, in all cases, avail himself of any of the employment termination benefits covered by Chapter V.
36. A college may set up a procedure more advantageous to its senior executive than that prescribed by the Division.

4.01 General Provisions

At least ten (10) 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 bylaw for the purposes of making a recommendation for the implementation of 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 bylaw, shall:

- a) adopt a statement of the challenges and issues the Board expects to be addressed during the subsequent mandate;
- b) i) in the case of the Director General: appoint a Renewal Committee comprised of the Chair of the Board who shall chair the Renewal Committee, the Vice-chair and one Board member who is not a College employee;
ii) in the case of the Academic Dean: appoint a Renewal Committee comprised of the Chair of the Board who shall chair the Renewal Committee, the Vice-chair and the Director General;
- c) adopt a timetable that respects the deadlines in the Regulation and which keeps the process limited to a three-month period;
- d) advise the incumbent of the date of the meeting at which the decision on the renewal of mandate will be made;
- e) advise the Chair of the Senate in writing of the timetable adopted for the renewal process and request the advice of the Senate on the renewal.

4.03 Senate Process

In the thirty (30) days following receipt of the notice provided for in clause 4.02e) above, the Chair of Senate must advise the Board in writing of the process the Senate intends to undertake in fulfilling its obligations.

4.04 Renewal Committee

The 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 Dawson community on the incumbent's ability to address the challenges and issues as outlined in the statement adopted under clause 4.02a) above;
- c) if considered appropriate, 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 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 as well as a recommendation for the bonus to be awarded under articles 28.2 and 28.3 of the Regulation.

4.05 Decision

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

- a) receive the recommendation of the Renewal Committee;
- b) receive the advice of the Senate;
- 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 34 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 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 achieve their potential.

The performance evaluation process is also designed to be summative insofar as to allow the Board to make any decisions concerning the incumbents' remuneration under the Regulation.

5.02 Mandate of the Evaluators

The Chair and the Vice-chair of the Board shall act as evaluators for the Director General. The Chair, the Vice-chair and the Director General shall act as evaluators for the Academic Dean. The evaluators 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 Corporate Affairs, or a delegate named by the Chair, to provide technical support in carrying out these responsibilities.

5.03 Evaluation Procedure

Each year the evaluators shall evaluate the incumbent's performance with regard to the job description, the responsibilities under Bylaw Number 1, and the achievement of the objectives set by the Board for the year in question.

The evaluators and the incumbent shall meet to review the evaluation process.

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 incumbent's self-evaluation, the views of Board members and, in the academic year during which the mid-point of the incumbent's mandate falls, the views of Senate and of the Dawson and external communities, the evaluators shall prepare an interim written evaluation, review it with the incumbent, finalize the written evaluation and proceed according to clause 5.04. The evaluation shall also include a recommendation concerning the bonus.

5.04 Decision

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

Taking into account this evaluation the Board shall adopt a resolution accepting the evaluation and making any decision on remuneration including bonuses.

The Chair shall provide the Director General and the Academic Dean with a copy of their own final written evaluations. The incumbent shall have the right to respond to the written evaluation in writing.

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 a copy shall be kept by the Board Chair.

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 evaluators on this subject shall be held in camera to ensure the confidentiality of their activities.

Article 6 WORKING CONDITIONS

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 Academic Dean, the proposal is made in collaboration with the Director General and after consultation with the Senate.

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 Dawson community.

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