



2017-12-14

No. BOG-HR-02

Title: POLICY FOR MANAGEMENT PERSONNEL

CLASSIFICATION: HUMAN RESOURCES
FIRST ADOPTED: April 1990
REVISED: September 1999, March 2001, May 2002, October 2005, June 2016
REPLACES: MGMT-01

PREAMBLE:

1. Contents

This policy was developed pursuant to clauses 261 and 262 of the *Regulation respecting Certain Conditions of Employment of Senior Staff of General and Vocational Colleges* as approved by Treasury Board decree CT202574 and all subsequent amendments thereto. In the case of a conflict between this policy and the *Regulation*, the latter shall prevail.

2. Objectives

The purpose of this policy is:

- to determine the lines of communication between the College and its management personnel;
- to define local working conditions for management personnel and to address certain issues respecting their activities not provided for in the *Regulation*.

3. Scope of application

This policy is intended for management personnel as defined by the *Regulation*.

4. Recognition

The College recognizes the Local Committee as the sole and exclusive collective bargaining representative of management personnel for the purposes of applying and renewing this policy.

CHAPTER 1 DEFINITIONS

1-1.00 Definitions

For the purposes of this policy, the following expressions mean:

- 1-1.01 **“Administrative Organization”**: The managers of the college: the titles of their positions, their number and the relationship amongst the positions.
- 1-1.02 **“Association”**: L’Association des cadres des collèges du Québec.
- 1-1.03 **“College”**: Dawson College incorporated under the name “Collège Dawson”.
- 1-1.04 **“Local Committee”**: All management personnel of Dawson College who are members of the Association.
- 1-1.05 **“Management Staff - Management Staff Member - Management Member - Management Personnel”**: Employee or employees of the College covered by the Regulation defined in 1-1.07.

See **Clause 1.** of the Regulation for the definition of those employees covered by the Regulation and thus by this Policy.

- 1-1.06 **“Professional Relations Committee”**: The committee which serves as the official venue for formal consultation between the College and the Local Committee on any matter concerning the application and interpretation of this policy. The College and the Local Committee may each designate two (2) members to this committee plus one or more alternates.
- 1-1.07 **“Transfer” (mutation)**: the appointment of a person to another position governed by the Regulation, but in a classification with a salary scale where the maximum rate is identical to that of the person’s former classification.
- 1-1.08 **“Promotion”**: the appointment of a manager to another management position governed by the Regulation, but in a classification where the salary scale’s maximum rate is higher than that of the person’s former classification.
- 1-1.09 **“Demotion”**: the appointment of a person to another position where the salary scale’s maximum rate is lower than that of the person’s former classification.
- 1-1.09a **“Administrative demotion”**: the demotion is considered administrative in nature when it is the result of a decision by the College.
- 1-1.09b **“Disciplinary demotion”**: the demotion is considered disciplinary in nature when it is the result of a decision by the College that has the characteristics of a disciplinary measure.

1-1.09c “Voluntary demotion”: the demotion is considered voluntary when it is the result of a request by the employee and it is acceptable to the College.

1-1.10 **“Regulation”**: The *Regulation respecting Certain Conditions of Employment of Senior Staff of General and Vocational Colleges* as approved by Treasury Board decree CT202574 and all subsequent amendments thereto.

CHAPTER 2 PARTICIPATION AND CONSULTATION

2-1.00 Participation

2-1.01 The College, while retaining its final decision-making authority within the limits of its rights and powers, shall maintain mechanisms and structures that:

- promote the input and active involvement of management personnel in the development of College objectives and policies;
- promote ongoing harmonious relations between the College and its management personnel.

2-1.02 At least once a year, the Director General shall meet with management personnel in order to present the priorities and directions for the coming year and report on activities of the current year.

2-1.03 At least once a year, the Director General and the ACCQ executive shall meet to discuss the local association’s priorities and concerns, and to review and validate the local management agreement.

2-1.04 The Local Committee provides the College with a list of its officers, the members, including any alternates, of the Professional Relations Committee and the members of the Professional Development Committee.

2-1.05 The College provides the Local Committee with a copy of notices, agendas and minutes of meetings of the Board of Governors, Executive Committee and the Senate.

CHAPTER 3 ADMINISTRATIVE ORGANIZATION

3-1.00 Administrative Organization

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| See also Article 4 Creation and Abolition of Positions of Bylaw Number 4. |
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3-1.01 The purpose of the administrative organization is to:
(1) ensure management efficiency and effectiveness;
(2) determine management responsibilities.

3-1.02 Except for the grounds provided for in Clause 199 of the Regulation, the College shall

consult the Local Committee through the Professional Relations Committee before altering the administrative organization.

See **Chapter XIV (Clauses 198. to 222.)** of the Regulation for the job security provisions.

- 3-1.03 Consequently, the College submits to the Local Committee through the Professional Relations Committee any proposal to alter the administrative organization, at least thirty (30) days before its implementation.
- 3-1.04 The length of time referred to in 3-1.03 for altering the administrative organization may be changed by an agreement reached at the Professional Relations Committee.
- 3-1.05 All managers whose positions are abolished shall benefit from the arrangements in the Regulation concerning “stability of employment.” In this respect, the College agrees that any abolition of a management position that does not result from an administrative reorganization foreseen by paragraphs 1 and 2 of article 199 of the Regulation is deemed, for the purposes of benefits related to job stability under Chapter X1V of the Regulation, to be one arising in a reorganization resulting from a mutual agreement between the college and the employee concerned.

CHAPTER 4 JOB DESCRIPTION AND ELIGIBILITY REQUIREMENTS

4-1.00 Job Description

See the *Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel* for further information on standard job descriptions and classification of positions.

- 4-1.01 The College shall give to each manager a copy of his/her job description.
- 4-1.02 Managers' job descriptions are drawn up by the College in line with the descriptions of duties appearing in the ministerial document entitled *Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel*.

4-2.00 Eligibility Requirements

- 4-2.01 The eligibility requirements shall take into consideration the specific needs of the position to be filled.
- 4-2.02 The following constitute the normal minimum requirements for each of the management positions listed:

Director: Undergraduate degree in an appropriate specialization and eight (8) years relevant experience including at least three (3) years senior management experience.

Coordinator, academic sector: Undergraduate degree in an appropriate specialization and six (6) years relevant experience, preferably including at least three (3) years post-secondary teaching experience.

Coordinator, academic systems or non-academic sectors: Undergraduate degree in an appropriate specialization and six (6) years relevant experience.

Manager / Administrative Assistant Positions: Undergraduate degree in an appropriate specialization and three (3) years relevant experience.

Administrative Officer / Foreperson Positions: DEC in an appropriate specialization and six (6) years relevant experience or a Secondary V or equivalent in an appropriate specialization and ten (10) years relevant experience.

4-2.03 A person who holds a management position in the College on the date of the adoption of the above requirements in this policy is considered to meet the qualifications for that position.

CHAPTER 5 JOB CLASSIFICATION

5-1.00 Classification

5-1.01 The College is responsible for classifying managerial positions in accordance with the provisions of clause 10 of the Regulation and with the ministerial document entitled *Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel*.

5-1.02 Based on the job descriptions contained in the ministerial document entitled *Plan de classification des emplois types et Guide de classement des postes de cadre pour le personnel d'encadrement des collèges d'enseignement général et professionnel*, the College shall determine the appropriate classification and class of each of its management positions. Should the College be unable to do so, the provisions of clauses 11 and 12 of the Regulation apply.

5-2.00 Reclassification

5-2.01 Managers who believe that the main and regular duties required of them have changed and correspond to another job classification and within the classification plan shall submit their request for reclassification to their immediate supervisor.

- 5-2.02 The immediate superior shall declare his or her position, with reasons in support thereof, within twenty (20) working days of receipt of the application.
- 5-2.03 Managers who find the position unsatisfactory and who continue to believe that their job should be reclassified may ask the Local Committee to bring the matter before the Professional Relations Committee.
- 5-2.04 The Local Committee may ask the College to schedule a meeting of the Professional Relations Committee to make representations and to try and reach an agreement. This meeting shall take place within ten (10) working days of the Local Committee's request.
- 5-2.05 When the manager's request is deemed valid, the College shall, within ten (10) days following the meeting provided for in 5-2.04, set in motion the process either to change the manager's duties to make them consistent with the job classification or to reclassify the position.
- 5-2.06 In the event that there is no agreement on the validity of the request, the recourse provided in clause 226 of the Regulation applies.
- 5-2.07 The Local Committee may at any time ask the College to apply clause 11 of the Regulation.

CHAPTER 6 EMPLOYMENT

6-1.00 Objectives

- 6-1.01 This chapter is intended:
- (1) to ensure that the College hires the most competent available staff;
 - (2) to promote and optimize the use of the College's human resources to their fullest potential.

6-2.00 Scope

- 6-2.01 This chapter deals with the following areas:
- (1) selection
 - (2) hiring and appointment
 - (3) probation
 - (4) evaluation
 - (5) personnel file
 - (6) disciplinary measures
 - (7) resignation
 - (8) temporary appointment.

6-3.00 Selection

See also **clauses 5.01, 6.01, 6.02 and 6.03** of Bylaw Number 4.

- 6-3.01 The College selects its personnel in accordance with the eligibility requirements outlined in Chapter 4 of this policy.
- 6-3.02 The selection committee is composed as follows:
(1) up to two (2) members designated by the Local Committee;
(2) up to four (4) members designated by the Director General;
(3) when the Director of Administrative Services is added to those members referred to in sub-sections (1) and (2) of 6-3.02, his or her role is to ensure the coordination of the selection process activities. In that capacity, the Director of Administrative Services does not have the right of vote.
- 6-3.03 The curriculum vitae of all applicants will be submitted to the selection committee for consideration.
- 6-3.04 The College may decide to use the services of an employment agency to assist a selection committee in its work.
- 6-3.05 The selection committee conveys its recommendation to the College.
- 6-3.06 If, for a given position, the selection committee cannot find a candidate who meets the eligibility requirements in 4-2.00, it may recommend a candidate who does not possess the educational background required for the position but who has relevant experience over and above the minimum criteria.

Similarly, the selection committee may recommend a candidate whose educational background meets the specified qualifications and whose superior characteristics compensate for a lack of experience normally expected for the position.

6-4.00 Hiring and Appointment

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| See also clause 7.01 of Bylaw Number 4. |
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- 6-4.01 The College signs a written contract with each management member at the time of his/her hiring.
- 6-4.02 To that end, the College shall use the contract form entitled "Employment Contract" which is annexed to this management policy.

6-5.00 Probation

- 6-5.01 When first appointed, a management member is on probation for a period of one (1) year. During that period, if, in the application of the evaluation policy, a management member receives an evaluation deemed acceptable or unsatisfactory, the Director General may authorize an extension of this probation period for a period not exceeding one (1) year.

6-5.02 During the probation period, the management member is under the supervision of another manager, usually his or her immediate supervisor, and is subject to at least two (2) periodic evaluations.

6-5.03 The College may terminate a manager's employment during or at the end of the probation period, failing which the manager becomes a regular employee. Should the College choose to retain the manager at the end of the probation period, the College confirms the manager's status as a regular employee by signing a new contract.

6-6.00 Evaluation

The **Management Evaluation Process**, revised by the Board of Governors in February 2004, is outlined in a document by that name.

6-6.01 The College shall establish and/or modify The Management Evaluation Process after consulting the Local Committee through the Professional Relations Committee. This Policy shall also include provisions relating to the granting of productivity bonuses as provided for under clauses 37 and 38 of the Regulation.

6-7.00 Personnel File

6-7.01 For each management member it hires, the College opens a personnel file. This contains at least the following items:

- (1) text of job posting used for hiring;
- (2) proof of experience or education;
- (3) additional documents provided by the manager relating to his/her résumé;
- (4) hiring contract and relevant resolution;
- (5) any correspondence concerning classification, ranking, transfers, mandate, duties and tasks;
- (6) a sealed copy of any self-evaluation, supervisor's evaluation and summary evaluation form relating to the manager's performance evaluation;
- (7) any warnings, reprimands and suspension notices related to disciplinary measures, as well as the employee's response to the warning.

6-7.02 Warnings, reprimands and suspension notices shall be withdrawn from the personnel file twelve (12) months after they are issued except when they are followed by another letter in the file within this period.

6-7.03 A manager may challenge the validity of a warning, reprimand or suspension notice within ten (10) days after said documents have been received.

6-7.04 In the event of a challenge, the problem shall be submitted to the Professional Relations Committee for review.

6-7.05 The Manager is entitled to consult his/her file and to obtain a copy of it at any time during office hours and/or may provide authorization, in writing, to the College for a third party to consult the file.

6-8.00 Disciplinary Procedures

6-8.01 The College may, subject to the recourse rights provided for in the Regulation and in this management policy, initiate the process which follows for a cause it deems valid. This process may or may not result in the imposition of a disciplinary measure which is hereby defined as either a suspension without pay, disciplinary demotion or dismissal.

6-8.02 A manager may be accompanied by a Local Committee representative at any meeting with the College concerning disciplinary measures.

Warning and reprimand

6-8.03 Warning(s) and reprimand(s) must be transmitted in writing to the manager. A warning or reprimand does not in and of itself constitute a disciplinary measure.

6-8.04 The nature of the fault and the remedy expected by the College must be included in the written warning or reprimand as well as a time frame for the expected improvement required of the manager.

Suspension without pay or dismissal

6-8.05 The College may suspend or dismiss a manager for just and sufficient cause. Other than in the case of serious prejudice to the College provided for below, the College may only proceed with such disciplinary measure when it has previously provided the manager with a written warning or reprimand on the same subject.

6-8.06 The decision to suspend and/or dismiss the manager must be provided in writing by the College. The decision is subject to the recommendation of the Director General and the approval of the Board as provided for in Bylaw Number 4.

Serious prejudice

6-8.07 The Director General may suspend a manager from his/her duties when, in the opinion of the College, immediate action is required, owing to serious prejudice caused by the manager to the College, its staff or students. This suspension may be for up to ten (10) working days with pay in order to give the College time to evaluate the situation further. In exceptional circumstances this period may be extended by up to twenty (20) working days.

6-8.08 After examining the situation giving rise to the suspension with pay in 6-8.07, the Director General must:

- reinstate the manager without prejudice; or,
- give the manager a written warning or reprimand; or,

- advise the manager that the imposition of a disciplinary measure, i.e., suspension without pay and/or dismissal, will be recommended to Board.

6-8.09 The decision rendered in 6-8.08 must be provided in writing to the manager no later than the end of the temporary suspension period provided for in 6-8.07. In the case where the Director General advises the manager that a recommendation to impose a disciplinary measure will be presented to the Board, the manager shall remain on suspension with pay until such time as the Board has made its final decision.

6-9.00 Resignation

6-9.01 The manager who resigns must give thirty (30) days written notice to the College, unless the parties agree otherwise.

6-10.00 Temporary Appointment

Clause 36. of the Regulation provides for up to a 10% lump sum payment for the management member who temporarily fills more than one position for a period of at least two months.

6-10.01 The College may temporarily appoint a manager to a permanent position or a special project when it deems the situation requires it.

6-10.02 A temporary appointment normally does not exceed (1) one year. However, after consultation with the Local Committee through the Professional Relations Committee, the College may prolong a temporary appointment for one or more definite periods.

6-10.03 A special project can be renewed on an annual basis after consultation with the Local Committee through the Professional Relations Committee.

CHAPTER 7 FRINGE BENEFITS

7-1.00 Annual Vacation

See **Clauses 44. and 45.** of the Regulation.

7-1.01 As of the acquisition period for the year 2001-02, the annual vacation leave for regular management personnel is thirty (30) working days after one (1) year of service.

7-1.02 The acquisition period for the purposes of annual vacation shall begin on July 1st of the current year and end on June 30th of the following year. The number of days credited is reduced on a pro rata basis by periods of disability or unpaid leave when these periods total more than one hundred and twenty (120) working days in the acquisition period.

7-1.03 Managers shall take their annual vacation at dates previously agreed upon with their immediate supervisor.

7-1.04 As a general rule, vacation days shall be taken in the year following their acquisition. However, managers who cannot take all of their vacation during the same year because of circumstances beyond their control may postpone up to a maximum of five (5) days of a given year's vacation subject to the approval of the Director General. The maximum accumulated number of days of postponed vacation for a given manager may never exceed ten (10) days.

7-1.05 Vacation days have no monetary value. However, when a management member leaves the employ of the College, the College shall pay the days of vacation accumulated and not taken by the date of departure, up to a maximum of forty (40) days, plus any days earned since July 1 of the year of departure, and this at the manager's current rate of salary. In the event of the manager's death, this amount shall be paid to the manager's estate.

7-2.00 Statutory Holidays

7-2.01 Managers are entitled to all the statutory holidays granted to other personnel groups within the College.

7-2.02 In addition, management personnel members are granted 5 personal days per year, without loss of salary. These days are not cumulative nor cashable.

7-2.03 When a statutory holiday occurs during a manager's vacation period, the holiday is postponed to another date agreed upon with the manager's immediate superior.

7-3.00 Compensatory Leave

7-3.01 If the duties of a manager should become excessively heavy at a given time, the College may provide compensation by authorizing a paid holiday. The manager and his/ her immediate supervisor shall arrange the details of the leave in advance. All such leaves shall be subject to the approval of the Director General.

7-4.00 Personal Leaves

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| See Chapter VIII (Clauses 97. to 146.) of the Regulation for rules concerning Parental Rights and associated leaves of absence. |
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7-4.01 Management staff are entitled to the same personal leaves as those granted to other employees of the College. Upon making a request to the College, a management member is entitled to take a leave of absence with pay for:

- his/her marriage: five (5) consecutive working days, including the wedding day;

- b) the marriage of his/her father, mother, son, daughter, brother, sister, half-brother, half-sister, son or daughter of his spouse: the wedding day;
- c) the death of his/her spouse, child or spouse's child: five (5) consecutive working days, including the day of the funeral;
- d) the death of his/her father, mother, mother- or father-in-law, brother or sister: three (3) consecutive working days, including the day of the funeral;
- e) the death of his/her brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents or grandchildren: three (3) consecutive working days if the deceased resided with the management member; the day of the funeral if the deceased did not reside with the management member;
- f) his/her moving day (one per year);
- g) when required to be absent from work as a result of an act of God (disaster, fire, burglary, flood, etc.), a management member will be entitled to take the number of days determined by the College upon reaching an agreement.

7-4.02 The management member shall be entitled to one (1) additional working day if the event described in the above paragraphs b), d) and e) takes place more than 240 kilometres from his residence, and to two (2) additional working days if the described event takes place more than 480 kilometres away.

7-4.03 A management member who is called for jury duty or to testify as a witness in a trial in which the management member is not a party, will be granted a leave without loss of pay. A management member who acts as an expert witness must remit to the College any compensation received for this service up to the amount received from the College during the period in question.

7-5.00 Leave of Absence for Public Office

7-5.01 Managers who are seeking public office may, upon thirty (30) days' notice, take leave from their duties for the time required for this purpose. In such cases, leave without pay shall be granted by the College for the duration of the election and, if necessary, the time in office.

7-5.02 Such individuals shall notify the College thirty (30) days in advance of their intention to return to work.

7-6.00 Leave of Absence for Professional Activities

7-6.01 The College may authorize management members to take a leave of absence with pay for the following reasons:

- to give presentations or courses in their fields of activity or expertise;
- to participate in seminars, conferences and symposiums;
- to sit on committees or task forces related to their duties.

7-7.00 Leave of Absence Without Pay

- 7-7.01 The College may grant a manager a full-time or part-time leave of absence without pay.
- 7-7.02 The maximum leave of absence allowed is usually for one (1) year. The College may renew such leave for (1) year only.
- 7-7.03 Any application for leave of absence must be made to the College in writing four (4) months in advance. This period may be shortened if the parties agree.
- 7-7.04 The maximum number of leaves that may be granted in a year is determined by the College. When the parties agree to the dates on which the leave will begin and end, an application for leave without pay may not be refused without valid reason.
- 7-7.05 Authorization for leave rests with the Director General.

See **Chapter VII (Clauses 46. to 96.)** of the Regulation for information on insurances, including disability payments. See **Chapter X (Clauses 157. to 177.)** of the Regulation for all the details concerning the sabbatical leave plan. See **Chapters XI and XII (Clauses 178. to 196.)** of the Regulation for details on the Progressive and Gradual Retirement Plans.

CHAPTER 8 REMUNERATION

8-1.00 Salaries

- 8-1.01 Managers are remunerated according to the schedules provided in the Regulation.

See **Chapter IV (Clauses 15. to 35.)** and **Schedules I, II and III** of the Regulation for further information on class. salary review and salary scales.

- 8-1.02
1. The salary of a newly appointed senior staff member who is not currently employed by a college or school board shall be determined by the College taking into account his/her education and experience, such that the salary is within the minimum and maximum rates of the scale for the new position.
 2. The salary of a newly appointed or promoted senior staff member who is currently employed by a college or school board shall be increased upon his/her appointment or promotion by a minimum of 10 % of the maximum of the scale of the new position, such that the result is within the minimum and maximum rates of the scale for the new position.
 3. The salary of a senior staff member who is transferred laterally within the same classification shall be maintained at the same level.

Clause 19. of the Regulation assigns this responsibility to the College while still requiring the salary to fit into the maximum and minimum of the applicable salary scale.

8-2.00 Method of Payment

- 8-2.01 Salaries are paid in twenty-six (26) equal instalments on every second Thursday, adjusted by lump sums, bonuses or other remuneration, as appropriate.
- 8-2.02 When a pay day falls on a statutory holiday, the payment will be issued on the previous working day.
- 8-2.03 When leaving for their vacation managers may receive the payment(s) to which they are entitled during that period.

8-3.00 Business Expenses

- 8-3.01 Authorized expenditures, including travelling expenses, incurred by managers in their professional capacity shall be reimbursed in accordance with College policy.

8-4.00 Association Membership

See **Clause 197.** of the Regulation for information about leaves for association duties.

- 8-4.01 It is the management member's responsibility to inform the College of membership in the *Association des Cadres des Collèges du Québec*. Deductions for membership dues will be made accordingly. The College agrees to indicate on the income tax slips the total dues paid by a management member during a calendar year.
- 8-4.02 The provisions of 8-4.01 apply mutatis mutandis to the dues set by the Local Committee.
- 8-4.03 The College's responsibility is limited to the function of collecting dues.

CHAPTER 9 LOCAL PROFESSIONAL DEVELOPMENT POLICY

9-1.00 Responsibilities for Professional Development

- 9-1.01 The College and the Local Committee shall strike a professional development committee to provide complementary programs to those scheduled by the College.
- 9-1.02 The Professional Development Committee consists of two (2) College representatives and two (2) Local Committee representatives.

- 9-1.03 The Professional Development Committee will set priorities annually and offer on an individual or group basis the following types of programs:
- professional development;
 - refresher courses, more specifically for the purposes of acquiring new knowledge;
 - retraining;
 - skills development;
 - education (studies);
 - professional associations and affiliations;
 - personal development.
- 9-1.04 The Professional Development Committee has an annual budget of \$11,500.00 to allow managers to attend conferences, seminars and workshops, take courses or organize conferences and workshops. The unused balance of this amount, at the end of the financial year, is carried over to the following year.
- 9-1.05 The amount referred to in 9-1.04 is subject to discussion and annual review by the College.
- 9-1.06 The amount provided in 9-1.04 may not normally be used for travel expenses or for attending a conference when those expenses are incurred as part of a manager's duties at the College and attendance is prescribed by the College.
- 9-1.07 The Professional Development Committee sets its own internal administrative procedures.
- 9-1.08 The courses offered by the College shall be free of charge for management personnel. However, this benefit shall not require that the College organize courses or hire supplementary teaching personnel.

CHAPTER 10 CIVIL LIABILITY

10-1.00 Civil Liability

- 10-1.01 The College shall defend any manager who is sued in a civil court for any error committed in the execution of his or her duties.
- 10-1.02 In this regard, the College shall not make any claim against any manager, except when he or she has been found guilty of gross negligence in a final judgment by a court of civil jurisdiction.

CHAPTER 11 RECOURSE AND APPEAL MECHANISMS

See **Chapter XV (Clauses 223. to 260.)** of the Regulation for all recourse mechanisms.

- 11-1.01 Any problem concerning interpretation and application of this management policy shall be submitted to the recourse committee and the appeal committee provided for in Divisions I and II of Chapter XV of the Regulation. Decisions regarding complaints related to the interpretation and implementation of the Management Policy are submitted to the stipulations stated in the Regulation (clause 229 for recourse and clause 238 for appeal).