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## **Special report by the Québec Ombudsman**

For quality educational services in Nunavik that respect Inuit culture

Québec city, October 24, 2018

# Mission of the Québec Ombudsman

The Québec Ombudsman ensures that the rights of citizens are upheld by intervening with Québec government departments and agencies and the various bodies within the health and social services network to request redress of situations that are prejudicial to a person or group of persons. Appointed by the elected members from all political parties and reporting to the National Assembly, the Québec Ombudsman acts independently and impartially, whether an intervention is undertaken in response to a complaint or series of complaints or on the institution's own initiative.

Pursuant to the powers conferred upon it, it can propose amendments to acts and regulations and changes to directives and administrative policies with a view to improving them in the best interest of the people concerned.

Respect of users and their rights and the prevention of harm are at the heart of the Québec Ombudsman's mission. Its preventive role is exercised in particular through its systemic analysis of situations that cause harm to a significant number of citizens.

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## This report was made possible through the collaboration of the following people:

### Person in charge of data collection and analyses, and writer

Chloé Corneau, Writer, Chief Investigator, Delegate, Public Service Investigations Branch, Québec City

### Directors

Laurence Mosseray, Director, Public Service Investigations Branch – Québec City  
Claude Dussault, Deputy Ombudsman, Citizen and User Services

### Collaborators

Stéphanie Julien, Legal Counsel, Legal Affairs and Special Investigations Branch  
Robin Aubut-Fréchette, Executive Assistant, Deputy Ombudsman section, Citizen and User Services, person in charge of First Nations and Inuit issues  
Francine Légaré, Writer, Communications Branch

The masculine gender is considered as including the feminine gender unless the context clearly indicates otherwise.

### Please note

In Inuktitut, the word *Inuit* means men or human beings and is the plural form of the word *Inuk*; the corresponding adjective, *Inuit*, is invariable. Consequently, the Québec Ombudsman has chosen to respect these linguistic principles.

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# Summary

## Background

Ranging north of the 55th parallel, Nunavik accounts for a third of Québec's territory. The Nunavimmiut live in 14 coastal communities that have no land link and whose populations vary from 200 to 2,500 inhabitants. More than half the population is under 25 years old.

The *James Bay and Northern Québec Agreement* (the Agreement) led to the creation of Kativik School Board, which has administered all Nunavik schools since 1978.

The school board has worked to establish a school system for Nunavik which would standardize the existing education systems as well as introduce instruction in Inuktitut, along with programs that reflect Inuit culture.

## The Québec Ombudsman's intervention

The Québec Ombudsman received complaints that brought into relief shortcomings in educational service organization in Nunavik. More specifically, the complaints reported problems concerning the quality of education, attendance, teacher recruitment, retention and rate of absenteeism, as well as the difficulties experienced by students who want to study at the postsecondary level.

In this report, the Québec Ombudsman intervenes regarding the Ministère de l'Éducation et de l'Enseignement supérieur. Note that pursuant to the *Public Protector Act*, it is not empowered to act concerning school boards because they are not public bodies for the purpose of the Act.

As a result, the investigation by the Québec Ombudsman dealt with the Department's and the minister's powers and responsibilities regarding application of the *Education Act for Cree, Inuit and Naspaki Native Persons* and of the Agreement in Nunavik. The Québec Ombudsman noted several issues that have a direct effect on educational service quality in Nunavik. It therefore made recommendations for improving these services.

## Findings and recommendations concerning school organization

The Québec Ombudsman noted that various factors complicate Inuit youth's journey through the education system at every turn. School organization poses major challenges, especially regarding adaptation of the instructional program, teaching staff and services for students with difficulties or disabilities.

### Adaptation of the instructional program

In Nunavik, the instructional program is adapted to Inuit culture. It is therefore different from that of the "south." Regarding language of instruction, in the early years of elementary school, Inuktitut is used. Starting in Grade 4, French or English is the main language of instruction. This is demanding for students. Furthermore, the instructional material they must use is not always adapted to their reality or to their grasp of the language of instruction. According to the testimony gathered, because of the instructional program and the language-of-instruction policy, pedagogical delays and delays in achieving proficiency in the language of instruction are frequent and significant in Inuit youth.

The young people who graduate face additional difficulties at the postsecondary level. Their choice of studies is limited because they are not afforded the possibility of acquiring

prerequisites (physics, chemistry, advanced Sec. IV mathematics, Sec. V mathematics) for many postsecondary programs.

As the Québec Ombudsman sees it, there are solutions. The recent creation of a pedagogical roundtable by the Department and the Kativik School Board, as well as the provincial roundtable for the educational success of Indigenous students, are examples of this. The Québec Ombudsman feels that the Department must, in collaboration with the table participants, produce work plans that spell out objectives and timelines in order to offer First Nations and Inuit students educational services in keeping with their expectations and that are adapted to their culture (Recommendations 2 and 3).

### **Teaching staff**

Several education issues in Nunavik are connected to the workforce. Year after year, Kativik School Board must grapple with the lack of approximately 10 classroom teachers when the school year is already underway. Because of difficulties recruiting and retaining staff, some people teach even though they have not finished their degree. Add to this the school board's shortage of housing for teaching staff from the "south" and the fact that these employees are ill-prepared for the issues that await them. Teacher absenteeism forces the school board to close classes every day.

The Québec Ombudsman's opinion is that the Department must follow up on the 2016-2025 infrastructure plan tabled by Kativik School Board that includes the construction of new housing (Recommendation 4). The Department should also encourage institutions of higher learning to offer courses on Aboriginal realities and the skills required for teaching Inuit and First Nations students (Recommendation 5). It should also support the institutions in this regard. Lastly, the Department should work with the school board to put together a plan to substantially and rapidly increase the number of qualified Inuit teachers. This would enable an increase in the pool of qualified substitute teachers (Recommendations 6 and 7).

### **Services for students with difficulties or disabilities**

According to the testimony gathered by the Québec Ombudsman, many students with difficulties or disabilities do not receive any services. Nunavik Regional Board of Health and Social Services says that, in the past, educational services for these young people were disrupted when they had to be placed in an institution for a certain period or when they had to receive health services in an institution located in the "south." The Québec Ombudsman therefore recommends that the Ministère de l'Éducation et de l'Enseignement supérieur and the Ministère de la Santé et des Services sociaux support Kativik School Board and Nunavik Regional Board of Health and Social Services in establishing an official agreement for linking health services and social services with educational services (Recommendation 8).

### **Findings and recommendations concerning student absenteeism**

The Québec Ombudsman saw that the students it met had a keen interest in school. However, the proportion of absent students is high. Various factors account for this situation, as well as the fact that there is no follow-up on unjustified absences.

According to the testimony gathered, one of the factors that may explain student absenteeism is that in extreme cold, school buses do not always start. This means that students must walk to school over long distances. Many young people miss school for this reason. However, there are no data on the extent of the phenomenon. The Department should therefore require that the school board provide the information needed to determine absentee rates and the causes thereof. This would make it possible to propose concrete measures for better assisting students and ensuring that they get to school safely at all times (Recommendations 8, 9, 10 and 11).

## **Findings and recommendations concerning access to postsecondary studies and adult education**

Despite promising initiatives, access to postsecondary studies for Nunavik youth remains difficult for various reasons. The Québec Ombudsman feels that the Department must collaborate with Kativik School Board to establish programs for better access to postsecondary studies. It must also provide the support requested by the school board for establishing adult education programs in Nunavik (Recommendations 12 and 13).

### **In conclusion: the Department must fully assume its role**

The Department must offer Kativik School Board the administrative and financial means for pursuing its mandate. The Québec Ombudsman feels that in order for the Department to fully assume its responsibilities with regard to Kativik School Board and therefore Nunavimmiut, it must have the most recent data on the education system in Nunavik (Recommendation 14).

Ongoing, reliable and transparent relations between the Department and the school board must be established (Recommendation 15). Action by the Department must be prompt and carried out in a spirit of solidarity with and respect for the Inuit and their aspirations for a better education system.

The progress required for educational services in Nunavik to meet the needs of its population will happen in most part through greater appropriation by the Department of its role in this regard, which will call for concerted action with Kativik School Board. Implementation of the recommendations made in this report will enable educational services in Nunavik to be better adapted to the particular needs of its population and foster a situation that is fair for all Québec citizens.

The Québec Ombudsman wishes to emphasize that any desire to improve educational services in Nunavik requires that the shortage of apartments be addressed at the same time. Overcrowded apartments in many communities prevent Inuit from receiving the educational services to which they are entitled. Despite the heavy investment needed to rectify the situation and even if this is not the subject of the present report, it appears imperative that the competent authorities work together to develop a long-term solution (Recommendation 1).

# 1 Background

## 1.1 Nunavik: territory and population

- 1 Nunavik accounts for a third of Québec's territory, spanning approximately 500,000 km north of the 55th parallel. Its inhabitants, Nunavimmiut, live in 14 coastal communities bordering Hudson Bay, Hudson Strait and Ungava Bay. There is no road that connects the communities to each other or with the "south."<sup>1</sup> Transportation is by air and sometimes by water.
- 2 This territory is governed by Kativik Regional Government, created in 1975 further to signature of the *James Bay and Northern Québec Agreement*<sup>2</sup> (the Agreement) in order to offer public services to Nunavimmiut, including technical assistance to 14 northern communities.<sup>3</sup>
- 3 The population in the various communities ranges from 200 to 2,500 inhabitants, for a total population of about 12,000 people.<sup>4</sup> More than half the Inuit population is under 25 years old.<sup>5</sup>

## 1.2 Kativik School Board: the only provider of educational services in Nunavik

- 4 Kativik School Board, created in 1975 further to the Agreement, has managed all Nunavik schools since 1978, which until that point had been under the jurisdiction of the federal and the provincial governments. The school board worked to develop an education system for Nunavik which would standardize the existing education systems as well as introduce instruction in Inuktitut, along with programs that reflect Inuit culture.<sup>6</sup>
- 5 Kativik School Board serves 14 Nunavik communities, whether or not their residents are Inuit. Within the framework of its mandate, it administers 17 elementary and secondary schools and 5 adult education centres.<sup>7</sup> For the 2016-2017 school year, 3,686 students were registered with Kativik School Board, including 3,311 students in General Education, Youth Sector,<sup>8</sup> making up 30% of Nunavik's Inuit population.

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<sup>1</sup> The expression "the south" is commonly used to refer to the part of Québec located south of the 55th parallel.

<sup>2</sup> James Bay and Northern Québec Agreement and Complementary Agreements, Secrétariat aux affaires autochtones, Les Publications du Québec, 1998. The Agreement stemmed from an agreement between the Government of Canada and the Government of Québec (and the James Bay Energy Corporation, the James Bay Development Corporation and Hydro-Québec), and the Grand Council of the Crees (of Québec), the Crees of James Bay, the Northern Quebec Inuit Association, the Inuit of Québec and the Inuit of Port Burwell.

<sup>3</sup> When the Agreement was signed, there were 15 communities. The former community of Killiniq, located at the tip of Ungava Peninsula, was part of the Agreement.

<sup>4</sup> Statistics Canada, Inuit: [Fact Sheet for Nunavik](#).

<sup>5</sup> Idem.

<sup>6</sup> Kativik School Board, [Strategic Plan 2016-2023](#), Kativik Iisarniliriniq.

<sup>7</sup> According to the data it has provided for the 2017-2018 school year, Kativik School Board has:

- 468 general education teachers (178 Inuit, 290 non-Inuit);
- 17 adult education teachers;
- 90 administrators;
- 109 non-teaching professionals;
- 305 support staff.

<sup>8</sup> According to Ministère de l'Éducation et de l'Enseignement supérieur data for the 2016-2017 school year. Enrolment numbers consist of General Education, Youth and Adult Sector students, as well as vocational education students.



### 1.3 School operation and the education program: a distinct approach

- 6 Like school boards elsewhere in Québec, Kativik School Board is managed by a council of commissioners consisting of elected persons from each of the 14 communities. Furthermore, an education committee which plays an advisory role to the school board is established for each community.<sup>9</sup> These committees are composed of parents, representatives of the school, and the community's elected commissioner. The school board's pedagogical services are located in Kuujuaq and the head office is in Montréal.
- 7 One of the particularities of the Nunavik school system is that in 11 of the 14 communities, the school houses all students under the same roof. The curriculum is adapted to foster the learning of Inuktitut, which is the only language of instruction from Kindergarten to Grade 2. Subsequently, Inuktitut is taught half of the time in Grade 3 and becomes a subject from Grade 4 until the end of secondary school. The curriculum also differs from that of the south in that the pedagogical program is adapted to Inuit culture, including classes on Inuit culture and Inuktitut as well as tundra survival sessions.
- 8 As for school board personnel, school administrators are generally from both the north and from the south (a non-Inuit principal and an Inuit vice-principal). From Kindergarten to Grade 3, most teachers are Inuit, and non-Inuit from Grade 4 to Secondary V. The number of students per class is below that of the south given the demographics of each of the communities and class division by level, according to the chosen language of instruction (French or English). Most support staff are Inuit.
- 9 In addition to General Education, Youth Sector, Kativik School Board offers vocational courses and programs in Inuktitut, French and English at the adult education centres in Nunavik.
- 10 For postsecondary studies, Nunavik students must enrol at an educational institution in the south. Currently, there is not a critical mass of Inuit students at the postsecondary level sufficient to warrant an institution of higher learning in Nunavik.

## 2 The Québec Ombudsman's intervention

- 11 Further to complaints, the Québec Ombudsman conducted an investigation of education-related issues in Nunavik. The investigation made it possible to assess the actions and interventions of the Ministère de l'Éducation et de l'Enseignement supérieur (the Department) in educational service organization in Nunavik.

### 2.1 Grounds for complaint

- 12 The complaints highlighted flaws in the organization of educational services in Nunavik. More specifically, the complaints reported problems concerning the quality of education, student attendance, teacher recruitment, retention and rate of absenteeism, as well as the difficulties experienced by students who want to study at the postsecondary level.

### 2.2 The Québec Ombudsman's jurisdiction

- 13 The Québec Ombudsman is concerned about the quality of the educational services provided in Nunavik. In this report, it intervenes with respect to the Department. Note that

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9 The Education Act for Cree, Inuit and Naskapi Native Persons, CQLR c. I-14, ss. 606 to 612 and s. 657.

under the *Public Protector Act*, it has no power to intervene regarding school boards because, for the purpose of the Act, they are not public bodies.<sup>10</sup>

### 2.3 Legal framework: roles and responsibilities of the key players

- 14 The *James Bay and Northern Québec Agreement*<sup>11</sup> was signed on November 11, 1975, in the context of land claims by Inuit and Cree, who opposed the construction of the James Bay hydroelectric dam.
- 15 The Agreement enables regional administrative structures to be put in place to manage a number of services. Education, health and management of several municipal services would henceforth be the responsibility of regional agencies controlled by communities under the authority of the Government of Québec and co-funded by it and the Government of Canada.<sup>12</sup>
- 16 In short, the Agreement not only confirms the right of Northern communities to participate in administering services, but also grants certain agencies sweeping powers. A case in point is Kativik School Board, which acquired jurisdiction and responsibility for elementary, secondary and adult education in Nunavik, all formerly under federal purview.
- 17 The Agreement also governs the jurisdiction of various Government of Québec departments and agencies in Nunavik. In a speech delivered on November 5, 1975, by MNA John Ciaccia at the opening of the National Assembly's standing committee on natural resources, land and forests, convened specifically to study the Agreement before its signature, the Government of Québec's philosophy regarding the Agreement was explained:

These people are inhabitants of the territory of Quebec. It is normal and natural for Quebec to assume its responsibilities for them, as it does for the rest of the population. And that is what the Quebec Government will be in a position to do as a result of this Agreement. It will be the guarantor of the rights, the legal status and the well-being of the native peoples of its northern territory.

[...]

The inhabitants of Quebec's North, like everybody else, have to have schools. [...]

There will be local school boards [...] And all of these agencies will answer to the appropriate ministry of the Quebec Government. The proper jurisdiction of all ministries, such as, for example, the Ministry of Education, will remain intact. The services will all be provided through structures put in place by the Government of Quebec.<sup>13</sup>

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10 CQLR, c. P-32, ss. 13 and 14. Within the context of its mandate pursuant to the Act to facilitate the disclosure of wrongdoings relating to public bodies, the Québec Ombudsman is empowered to intervene regarding school boards if it has received a disclosure or has reasonable grounds to believe that a wrongdoing has been committed or is about to be.

11 Agreement, cited above, note 2.

12 Papillon, Martin and Sénécal, Sacha, *Traités modernes, qualité de vie et gouvernance des peuples autochtones au Canada : l'expérience des Cris et des Inuit sous la Convention de la Baie-James et du Nord québécois*, in Petit, Jacques-Guy et al., *Les Inuit et les Cris du Nord du Québec. Territoire, gouvernance, société et culture*, Rennes and Québec City, Presses universitaires de Rennes and Presses de l'Université du Québec, 2010, p. 257.

13 Philosophy of the Agreement by John Ciaccia, Member of the National Assembly of Québec, introduction to the Agreement, cited above, note 2, p. 2.

- 18 Native organizations and government agencies.<sup>14</sup>
- 19 Chapter 17 of the Agreement focuses more narrowly on Inuit education and specifies in particular that:
- ▶ Kativik School Board has jurisdiction and responsibility for elementary and secondary education and adult education.<sup>15</sup>
  - ▶ Kativik School Board is represented and its affairs are administered by its council. The council is known by the name of "the Council of the Kativik School Board."<sup>16</sup>
  - ▶ Ordinances, resolutions and other enactments of Kativik School Board must be passed by the Council in session.<sup>17</sup>
  - ▶ The Council may, by ordinance, provide for the establishment of programs, the teaching of subjects and the use of course materials based on Inuit culture and language.<sup>18</sup>
  - ▶ All ordinances are transmitted without delay to the Minister of Education upon their passing. The Minister reviews such ordinances within forty (40) days and, except where the matters dealt with in them are based on Inuit culture and language, may disallow them in writing. Unless disallowed, all ordinances automatically come into force (40) days after the date of their passing or at any earlier date indicated by the Minister.<sup>19</sup>
- 20 The Québec government implemented Chapter 17 of the Agreement by passing the *Education Act for Cree, Inuit and Naskapi Native Persons*<sup>20</sup> (the Act). This made it possible to establish Kativik School Board.
- 21 Generally speaking, in Québec, the education system has three levels for the provision of educational services. School boards, the first level, are responsible for services provided directly to students by teaching staff, principals, non-teaching professionals and support staff (e.g. instruction and school administration). The second level consists of support services for non-teaching school board professionals. Offered by the school board, the purpose of these services is to improve student performance and to strengthen classes, teaching and schools (e.g. special education professionals). Third-level services are usually provided by the Ministère de l'Éducation et de l'Enseignement supérieur and include a vast array of educational services (e.g. drafting of regulations and policies; certification and development of programs of study).
- 22 In addition to the powers of all Québec school boards, Kativik School Board also has the following powers under the Agreement and the Act:
- ▶ establish programs, teaching of subjects and use of teaching materials in Inuktitut, English and French based on Inuit culture and Inuktitut;<sup>21</sup>
  - ▶ establish a curriculum development centre to select and develop courses, textbooks and teaching materials with a view to preserving and perpetuating the

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14 Gourdeau, Éric, *L'état québécois et la mise en œuvre de la Convention de la Baie-James et du Nord québécois*, in Gagnon, Alain-G. and Rocher, Guy, *Regard sur la Convention de la Baie-James et du Nord québécois*, Éditions Québec Amérique Inc., 2002, p. 215.

15 Agreement, cited above, note 2, s. 17.0.3

16 Ibid., s. 17.0.4.

17 Ibid., s. 17.0.5.

18 Ibid., s. 17.0.64.

19 Ibid., s. 17.0.65.

20 Education Act for Cree, Inuit and Naskapi Native Persons, cited above, note 8.

21 Ibid., ss. 663 and 664.

language and culture of the Inuit people, as well as enter into agreements with institutions, colleges and/or universities with a view to developing courses, textbooks and teaching materials corresponding to the programs and services offered by the school board;<sup>22</sup>

- ▶ establish a distinct school calendar;<sup>23</sup>
- ▶ establish training courses for teachers allowing Inuit to be qualified to teach in Kativik School Board schools;<sup>24</sup>
- ▶ enter into agreements concerning postsecondary education for the persons in its jurisdiction.<sup>25</sup>

23 For their part, the Department and the Minister of Education must exercise the following functions regarding Kativik School Board, while respecting the school board's autonomy and jurisdiction:

- ▶ ensure the exercise of their functions specified in the Act, taking into account the fact that every child is entitled to the advantage of a system of education conducive to the full development of his or her personality;<sup>26</sup>
- ▶ adopt measures designed to contribute to the training and development of individuals;<sup>27</sup>
- ▶ ensure the development of educational institutions and oversee the quality of the educational services;<sup>28</sup>
- ▶ encourage consultation and cooperation between departments and agencies and interested persons;<sup>29</sup>
- ▶ encourage and coordinate the development and diffusion of information;<sup>30</sup>
- ▶ approve the courses, textbooks and teaching materials selected by the school board;<sup>31</sup>
- ▶ review the ordinances<sup>32</sup> of Kativik School Board concerning the organization of educational services (establishing programs, the teaching of subjects and the use of course materials) except those based on culture and language;<sup>33</sup>
- ▶ maintain adequate funding;<sup>34</sup>
- ▶ approve the school transportation budget and capital assets budget.<sup>35</sup>

24 Furthermore, the Minister of Education has additional powers. The Minister may provide the services he or she deems necessary to any organization,<sup>36</sup> grant financial assistance,<sup>37</sup>

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22 Ibid., s. 663.

23 Ibid., s. 667.

24 Ibid., s. 669.

25 Ibid., s. 605.

26 Act respecting the Ministère de l'Éducation, du Loisir et du Sport, CQLR c. M-15.1.0.1, preamble.

27 Ibid., para. 1 s. 2.

28 Ibid., para. 2. s. 2.

29 Ibid., para. 3 s. 2.

30 Ibid., para. 4 s. 2.

31 Education Act for Cree, Inuit and Naskapi Native Persons, cited above, note 8, para. 1. s. 663

32 In this specific context, "ordinances" refer to school board decisions, some of which, in accordance with the Act, must be transmitted to the Minister, who may disallow them in writing within 40 days of their receipt (authors' definition).

33 Education Act for Cree, Inuit and Naskapi Native Persons, cited above, note 8, s. 665.

34 Ibid., s. 683.

35 Ibid., ss. 672 and 675.

36 Act respecting the Ministère de l'Éducation, du Loisir et du Sport, cited above, note 24, para. 1 s. 1.3.

37 Ibid., para. 2 s. 1.3.

contribute to the development of educational institutions,<sup>38</sup> and hold inquiries or delegate powers for that purpose.<sup>39</sup>

## 2.4 The investigation

- 25 The investigation by the Québec Ombudsman dealt with the Department's and the Minister's powers and responsibilities concerning application of *The Education Act for Cree, Inuit and Naskapi Native Persons* and of the Agreement in Nunavik.
- 26 The investigation comprised two components. The first consisted of examining the Department's actions regarding the educational services provided, school attendance, teacher shortages, as well as access to postsecondary education and to General
- 27 The second component made it possible to complete the analysis through testimony-gathering and on-site observation within the Inuit communities of Kuujuaq and Puvirnituq. This phase was carried out in February 2018. The Québec Ombudsman was given access to all stakeholders involved in education in Nunavik in classrooms and within the community: the personnel of Kativik School Board (which has jurisdiction across the territory), school principals, teaching staff, students and community members.
- 28 After intervening, the Québec Ombudsman noted greater cooperation between the Department and the school board which gave rise to promising initiatives. This is covered subsequently.

## 3 Findings

- 29 First of all, the investigation showed that the teaching community, parents and young people care about making education one of the preferred means for knowledge of their cultural identity and for worthwhile prospects for the future. Kativik School Board aims to establish the best education system possible, in collaboration with the Department.
- 30 However, the Québec Ombudsman noted several issues that have a direct impact on the quality of educational services: organization of education, a shortage of teaching staff and absenteeism. The Québec Ombudsman also saw that access to postsecondary education and adult education is compromised for some students.
- 31 From the outset, a general assertion must be made: the Department must fully assume its responsibilities in terms of support for and collaboration with Kativik School Board so that quality educational services are provided in Nunavik, in keeping with Inuit culture.
- 32 Before discussing the education system in Nunavik any further, the Québec Ombudsman must emphasize that any desire to effect improvements necessarily involves simultaneously addressing the question of housing shortages.
- 33 The Institut de recherche et d'informations socioéconomiques (IRIS) estimates that 33% of Inuit in Nunavik live in overcrowded houses (houses that have more than one resident per room). The rate elsewhere in Québec is 2.5%.<sup>40</sup> Furthermore, nearly 22% of Nunavik Inuit live in houses that require major repairs—nearly four times more than elsewhere in Québec.<sup>41</sup> In 2013, the Popular Travelling Commission on the Right to Housing report

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38 Ibid., para. 3 s. 1.3.

39 Education Act for Cree, Inuit and Naskapi Native Persons, cited above, note 8, ss. 340, 341, 343, 344 and 346.

40 IRIS, *Portrait des inégalités socioéconomiques touchant les Autochtones au Québec*, January 2018, p. 9.

41 Idem.

indicated that some families have to adopt “sleeping shifts,” that is to say, establish a schedule so that everyone can sleep in a bed.<sup>42</sup> Kativik Municipal Housing Bureau estimated that in 2017, there was a shortage of 813 houses for meeting the needs of families in the various communities.<sup>43</sup>

- 34 The consequences of overcrowded houses in numerous communities are well documented,<sup>44</sup> and overcrowding (in some cases, as many as four families in a few rooms)<sup>45</sup> does not create an environment conducive to educational success. The Québec Ombudsman feels that this situation prevents Inuit from receiving the educational services to which they are entitled.
- 35 The Québec Ombudsman notes the will of the Government of Québec to henceforth accord special priority to Indigenous social and cultural problems as well as to broaden its commitment and participate actively in the development of First Nations and Inuit.<sup>46</sup> Moreover, the Québec Ombudsman also notes that the Government of Québec considers the improvement of living conditions of Indigenous communities located in Québec<sup>47</sup> a priority.
- 36 **Despite the extent of the investments required to solve the situation, and even though housing shortages are not the subject of this report, it appears imperative that the competent authorities, federal, provincial and Inuit alike, work together to develop a long-term solution for house overcrowding in Nunavik. Any plan to improve housing conditions will contribute not only to student success, but also to alleviating the social problems that Inuit face. In light of the preceding, the Québec Ombudsman recommends:**

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42 FRAPRU, [Emergency in the House! Report of the Popular Travelling Commission on the Right to Housing](#), March 2013.

43 According to the Kativik Municipal Housing Bureau housing shortage estimate obtained from the Ministère des Affaires municipales et de l'Occupation du territoire.

44 Ibid.; Nunavik Regional Board of Health and Social Services, *The Housing Situation in Nunavik : A Public Health Priority*, last update December 2009.

45 Société d'habitation du Québec, *Housing in Nunavik*, 2014.

46 Québec, *Do More, Do Better – Government Action Plan for the Social and Cultural Development of the First Nations and Inuit*, 2017-2022.

47 Idem.

**In light of the preceding, the Québec Ombudsman recommends:**

**R-1 That before April 1, 2020, the Société d'habitation du Québec, in conjunction with the competent authorities (federal, provincial and Inuit), propose actions for dealing with the housing shortage in Nunavik, taking into account the needs expressed by the region's organizations and government budget availability.**

**3.1 A strong commitment by Inuit communities to quality educational services**

- 37 From the outset, the Québec Ombudsman saw that, for the Inuit population, education is a factor that enables a sense of rootedness, cultural consolidation and development, despite the fact that different visions exist as to the approach to education that should prevail. The Kativik School Board "aims to develop a modern education system, adapted to the specific language, identity and cultural needs of Nunavimmiuts, that prepares Nunavik youth for success in a global world"<sup>48</sup>. It unequivocally affirms its will to make the necessary changes while preserving values that determine identity.
- 38 The Inuktitut language, a key component in the shaping of identity, is a subject of primary importance for both the Inuit population and the school board, reflecting Inuit culture, values, identity, and pride.
- 39 The Québec Ombudsman recognizes the will of the Inuit to promote and develop their language as a vehicle for culture, unity and fulfilment. It is important to take stock of this finding and to have the same vision of the following school board objectives:<sup>49</sup>
- ▶ promote the use of Inuktitut as the primary language in Nunavik;
  - ▶ maintain and strengthen the use of Inuktitut in all activities related to education and promotion of the cultural heritage of Inuit;
  - ▶ ensure mastery of Inuktitut, while incorporating other languages of instruction.

**3.2 The major challenges posed by the organization of education**

- 40 In Nunavik, the proportion of students who leave school without a diploma or qualifications is 79%,<sup>50</sup> four times higher than elsewhere in Québec. As a result, the graduation rate is 25.9%, compared to 77.7% for Québec as a whole.<sup>51</sup> Furthermore, 54.2% of Inuit have no certificate, diploma or degree, compared to 13% elsewhere in Québec.<sup>52</sup>
- 41 The Québec Ombudsman noted that different factors complicate Inuit youth's journey through the education system at every turn.

**3.2.1 Adaptation of the pedagogical program in Nunavik**

- 42 Kativik School Board has established a pedagogical program for preschool, elementary school, and secondary school which is adapted to Inuit culture.
- 43 At the elementary level, Kativik School Board's current pedagogical program was designed in large part by the school board and differs from that of the south. At the

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48 Kativik School Board, Strategic Plan 2016-2023, cited above, note 27.

49 Kativik School Board, Policy on Languages of Instruction, adopted by the Council of Commissioners on April 3, 2003, resolution no. 2002/03-34, amended by CC 2010/2011-25 and CC 2010/2011-26.

50 After seven years of schooling, according to the average of the most recent data available from the Ministère de l'Éducation et de l'Enseignement supérieur, for the 2010-2011, 2011-2012, and 2013-2014 school years.

51 According to the most recent data from the Ministère de l'Éducation et de l'Enseignement supérieur 2007 cohort monitored until 2013-2014.

52 IRIS, cited above, note 40, p. 4.



secondary level, in order to enable students to obtain the credits required for their studies to be approved by the Department, the pedagogical program is similar to that in the south, while including certain cultural adaptations, especially in history. Moreover, from the elementary to the secondary level, Inuktitut courses and courses in culture are offered.

- 44 Regarding the languages of instruction, the first years of the curriculum are taught in Inuktitut. In Grade 3, Inuktitut is taught half the time. As of Grade 4, English or French becomes the main language of instruction. Much is therefore required of students. They are expected to learn how to communicate, read and write in a second or third language, which is often a foreign language for them, while learning curriculum subject matter (mathematics, science, social studies, etc.) taught in a language other than Inuktitut.
- 45 According to testimony, because of the current pedagogical program and the policy on languages of instruction, academic delays in the level of fluency of the language of instruction (French or English) are substantial at the end of Grade 6. To attempt to remedy this, the school board added an extra elementary year, Grade 7, to Nunavik students' schooling. Again, according to testimony, this extra year does not make up for the students' delays, thereby jeopardizing their success at the secondary level.
- 46 Inuit students grapple with another issue throughout their schooling. They must learn the various subjects by means of teaching material that is often not adapted to their fluency in the language of instruction. For example, at the secondary level, they must work with a mathematics textbook written for students whose mother tongue is English or French.
- 47 These difficulties may explain the low graduation rate of Kativik School Board students. To improve the situation, young Inuit who have not obtained the credits required for a secondary studies diploma are given the opportunity to do an extra year. However, this option is only available in Kangiqsujuaq, just one of the 14 communities. This means that students who want to take advantage of the extra year must relocate.
- 48 The young people who graduate face additional difficulties at the postsecondary level. Their choice of studies is limited because they are not afforded the possibility of acquiring prerequisites (e.g. physics, chemistry, advanced Sec. IV mathematics and Sec. V mathematics) for many postsecondary programs. Currently, these courses are not offered by Kativik School Board.
- 49 Kativik School Board students take Sec. IV science and mathematics programs when they are in Sec. V. They do not have access to advanced Sec. IV courses or to Sec. V basic or advanced courses in these subjects. Despite possible modification of its pedagogical program, the school board says however that it will not be able to offer certain courses, namely, physics and chemistry and advanced mathematics in English and French, given low student numbers and limited resources.
- 50 The difficulties Nunavik students face are numerous, but there are solutions.
- 51 In addition to the roundtable for the educational success of Indigenous students established in the fall of 2017,<sup>53</sup> in which the Department and certain Aboriginal<sup>54</sup> and

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<sup>53</sup> Measure stemming from the Ministère de l'Éducation et de l'Enseignement supérieur's provincial roundtable for the educational success of Indigenous students, announced in June 2017. This forum, which brings together Aboriginal and non-Aboriginal organizations, is tasked to establish joint action and collaboration among the organizations that work with First Nations and Inuit students and to exercise leadership concerning the recognition of their needs and realities, with a view to enabling all these students to achieve their full potential and improve their school retention and educational success.

<sup>54</sup> Kativik School Board is part of the roundtable.



non-Aboriginal organizations participate, the Department and Kativik School Board created a pedagogical roundtable in March 2018 to discuss the issues related to education in Nunavik. Currently, the roundtable brings together various Kativik School Board service departments as well as the Department's Direction des services aux autochtones et du développement nordique. The roundtable makes it possible to deal specifically with the issues that school board students face, notably in terms of graduation rates, credits for qualification purposes, the programs in effect, the programs being developed and the school board's applications for departures. To foster school retention and prevent students from lagging academically, it is crucial that the school board and the Department work together on the pedagogical program. This work must necessarily enable better progression of learning within the pedagogical program and ensure that it leads to a diploma of secondary studies for the students.

- 52 By way of a solution, Kativik School Board is also considering creating a bilingual educational program. The goal would be to improve fluency in Inuktitut and facilitate student learning by teaching students more subject matter in that language, while enabling them to acquire appropriate knowledge of English or French.<sup>55</sup> Creating a bilingual curriculum for Kindergarten to the last year of secondary studies is a major challenge that will require several years, even decades. To achieve this, Kativik School Board must be able to rely on a critical mass of bilingual Inuit teachers, as well as Inuit non-teaching professionals who would specialize in particular in developing educational programs.
- 53 While these proposed courses of action are promising, the fact remains that the situation calls for quick and effective solutions for young people, as much for their motivation and language proficiency as for their desire and ability to remain in school, so that school is a place where they can succeed. To develop and ensure the implementation of solutions within reasonable time frames, there must be solid communication and close cooperation between Kativik School Board and the Department. Clear objectives and a precise time frame must also be defined. Collaboration between the Department and the school board must aim to offer Inuit students educational services that meet their expectations and that are culturally adapted.
- 54 In this respect, the Québec Ombudsman notes the will of the Government of Québec to establish ongoing collaboration and communication.<sup>56</sup>

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55 National Committee on Inuit Education, First Canadians, Canadians First. [National Strategy on Inuit Education 2011](#), Ottawa, Inuit Tapiriit Kanatami, 2011.

56 Québec, Do More, Do Better – Government Action Plan for the Social and Cultural Development of the First Nations and Inuit, 2017-2022.

**In light of the preceding, the Québec Ombudsman recommends:**

- R-2 That the Ministère de l'Éducation et de l'Enseignement supérieur, in cooperation with those involved, decide on a work plan for the roundtable for the educational success of Indigenous students that specifies the objectives and the time line for achieving them.**
- R-3 That the Ministère de l'Éducation et de l'Enseignement supérieur, in cooperation with Kativik School Board, decide on a work plan for the pedagogical roundtable established in March 2018, that specifies objectives and the time line for achieving them.**

**3.2.2 Workforce issues for teaching staff**

- 55 Kativik School Board's teaching staff comprises people who have a teaching licence,<sup>57</sup> teachers with a Certificate in Education for First Nations and Inuit, teachers who have no legal teaching qualifications for Québec, and Inuit culture and Inuktitut teachers.
- 56 According to the school board, 40% of Inuit classroom teachers from Kindergarten to Grade 3 have not completed Inuit teacher training. These teachers are enrolled part-time in the Inuit teacher training program given by the school board in partnership with McGill University and Université du Québec en Abitibi-Témiscamingue, but the time generally required to finish the 60 program credits is 10 years.
- 57 For the 2018-2019 school year, 43 teachers (14% of the teaching staff) from Grade 4 to Sec. V were not qualified to teach in Québec, according to Kativik School Board. This group includes those who have a teaching licence from another province and those with a degree in one of the program's subjects, but without teacher qualifications.
- 58 The reasons for the presence of unqualified teachers within Kativik School Board are related to the difficulty recruiting and retaining teaching staff in Nunavik and to the high rate of teacher absenteeism.

**3.2.2.1. Difficulty recruiting and retaining teaching staff**

- 59 Kativik School Board recruiting problems are due mainly to the small number of teachers in Nunavik who have a teaching licence. Kativik School Board therefore has to recruit outside its territory. Recruitment occurs in several Canadian provinces, especially to fill openings for teachers who have to teach in English.
- 60 Year after year, Kativik School Board must grapple with the lack of approximately 10 (out of a total of 298) classroom teachers when the school year is already underway. In the 2017-2018 school year, a particular consequence of recruitment problems was that one Grade 4 class did not start school until October, and one Grade 7 class had to wait until January.
- 61 Added to this is the shortage of available school board apartments for housing personnel who are not from Nunavik. The school board's building stock cannot accommodate all staff members from the south. For example, for the 2017-2018 school year, the school board recruited two teachers mid-term for a community that lacked staff. However, they could not be hired because they had nowhere to live. In 2015, the school board submitted a ten-year infrastructure plan outlining its needs regarding apartments for teaching staff

<sup>57</sup> Inuit who do not have a teaching licence may take a 60-credit program, generally offered during the summer by McGill University and Université du Québec en Abitibi-Témiscamingue. The program leads to a teaching licence from the Department and a Certificate in Education for First Nations and Inuit.

from elsewhere. To date, the Department has not given the school board a reply, despite the school board's many repeated attempts and the Department's legal obligation to approve the capital assets budget.<sup>58</sup> The Québec Ombudsman notes that the school board's efforts to recruit staff will not yield the expected results without collaboration by the Department.

- 62 The school board feels that the benefits granted to teachers from elsewhere hinder the recruitment of Inuit teachers who do not have access to them, when in fact several other organizations in Nunavik offer these benefits to their Inuit staff. As a result, it is easier for teachers from elsewhere to get a suitable apartment because they are housed by the school board. They are also entitled to plane trips to the south and a cargo bonus that enables them to obtain merchandise from elsewhere in Québec at better cost.<sup>59</sup>
- 63 The lack of preparation of non-Inuit teachers for the issues that await them was often identified by interviewees as a factor that could explain the difficulties retaining teachers. There was also mention of the lack of preparation for teaching students in their second or third language. The Québec Ombudsman sees the need to make current and future teachers aware of the context of Indigenous communities and of the resulting particularities in terms of the practice of their profession. The other side of the coin is that Nunavik students must receive educational services from teachers who exhibit sensitivity and cultural competence. One possibility is to include a course on Indigenous realities and the skills required for the teaching provided to First Nations and Inuit as part of Québec's university teacher training.
- 64 **Greater participation by Nunavimmiut is crucial to strengthening staff stability. Moreover, Kativik School Board's objectives, especially concerning language, culture and a bilingual curriculum, will be achieved only when there is a critical mass of Inuit teachers. Even though it is up to Kativik School Board to determine what must be done to provide quality educational services in Nunavik and to protect Inuit language and culture, the Department can play an important role in tandem with Kativik School Board to significantly increase the number of qualified Inuit teachers as quickly as possible.**

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<sup>58</sup> The Education Act for Cree, Inuit and Naskapi Native Persons, cited above, note 10, s. 675.

<sup>59</sup> Agreement entered into by the Comité patronal de négociation for Kativik School Board and the Centrale des syndicats du Québec (CSQ) for the Association des employés du Nord québécois (AENQ) within the framework of the Act respecting the process of the negotiation of the collective agreements in the public and parapublic sectors, 2010-2015.

**In light of the preceding, the Québec Ombudsman recommends:**

- R-4** That the Ministère de l'Éducation et de l'Enseignement supérieur inform Kativik School Board of the follow-up it intends for the infrastructure plan submitted by the school board in 2015, especially regarding the funding requested for the construction of apartments.
- R-5** That the Ministère de l'Éducation et de l'Enseignement supérieur encourage and support institutions of higher learning, as part of university teacher training, by offering a special course on Indigenous realities and the skills required for the teaching provided to First Nations and Inuit.
- R-6** That the Ministère de l'Éducation et de l'Enseignement supérieur work with Kativik School Board to produce an action plan to substantially increase the number of qualified Inuit teachers.

**3.2.2.2. Teacher absenteeism rate**

- 65 Kativik School Board has to deal with a high rate of teacher absenteeism. The Québec Ombudsman noticed the lack of financial and human resources to support a substitute teaching plan adapted to Inuit reality. Given the remoteness of the communities, in order for a substitute teaching plan to be established in Nunavik, Kativik School Board's budgetary rules must provide for the hiring of additional teachers for substitute purposes in each community. To enable recruitment of this personnel, substitute teachers must be full-time because the distances between the communities are such that they cannot move from school to school, as is the case in the south.
- 66 The Québec Ombudsman has observed that, every day, school principals have no choice but to close several classes. According to the data provided by the school board, an average of eight 45-minute classes for each school day and in each school must be cancelled due to the lack of teaching staff. When school principals manage to find someone to fill in, the substitute teachers are often unqualified or inexperienced. This does not ensure a climate conducive to learning.
- 67 Kativik School Board must establish means for reducing its staff absenteeism rate, and the Department must review the financial resources it allocates to the school board to enable the hiring of full-time qualified substitute teachers, maintain adequate funding, and offer quality educational services and programs to the people of Nunavik.<sup>60</sup> The Québec Ombudsman considers that through such funding adapted to Nunavik, the Government of Québec would make good on its commitment to enable the hiring of resources to support students in their educational development and to provide parents with support as well.<sup>61</sup>
- 68 The Québec Ombudsman has also observed that teaching staff, school principals and the school board are open to innovative solutions to compensate for teacher absenteeism. In this respect, the creation of a bilingual educational program would broaden the pool of qualified substitute teachers. In the same vein, an adapted school calendar would make it possible for teaching staff to go home for longer periods of time, thereby making it easier to recruit qualified people.

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<sup>60</sup> Agreement, cited above, note 5, s. 17.0.84.

<sup>61</sup> Québec, cited above, note 56.

- 69 Regarding technological solutions, the Québec Ombudsman has taken note of the \$12 million granted by the Government of Québec under the Plan Nord concerning telecommunications infrastructure in Nunavik.<sup>62</sup> Diversification of remote teaching could be a promising solution in the immediate future.

**In light of the preceding, the Québec Ombudsman recommends:**

**R-7 That the Ministère de l'Éducation et de l'Enseignement supérieur take measures to provide the financial resources required for Kativik School Board to hire qualified substitute teachers by mutual agreement with the school board as to needs.**

### **3.2.3 Adapting the school calendar**

- 70 The current school calendar, which is a replica of that of the south, is not adapted to Inuit culture. Adapting the school calendar is one of the courses of action being considered by Kativik School Board and the other organizations concerned with education in Nunavik in order to improve education-related issues (difficulty recruiting and retaining teachers, absenteeism).<sup>63</sup>
- 71 To accomplish this, Kativik School Board's executive committee is considering spreading school attendance over the entire school year. This would make it possible to have long holidays for seasonal activities (hunting and fishing), while enabling teachers from the south to go home for longer periods. This change, which is felt would be a factor in promoting Inuit culture, in strengthening identity and in achieving meaningful connection, would also be a factor in mobilizing teachers and in school perseverance. However, before this change is instituted, there must be careful deliberation and in-depth analysis.
- 72 Consequently, the Québec Ombudsman considers that close cooperation between the Department and Kativik School Board is required further to the deliberation and analysis needed to produce a culturally adapted Inuit school calendar, while respecting the fact that it is up to Kativik School Board to make any adaptations to the school calendar.

### **3.2.4 Services for students with difficulties or disabilities**

- 73 The main services available for students with difficulties or disabilities within Kativik School Board are delivered through the Compassionate Schools program, a school support program established by the school board in order to better equip teaching staff and to offer students an environment that enables the development of social and emotional skills. The goal is to improve academic learning. Funding for such a project, as well as for implementing educational services for students with handicaps, behavioural disorders or learning difficulties (special needs students), is governed by the budget rules negotiated between the school board and the Department.
- 74 The Québec Ombudsman noted, based on the Department's latest figures, that only 2.4% of students enrolled at Kativik School Board in the 2015-2016 school year were identified

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62 Ministère de l'Économie, de la Science et de l'Innovation, Plan d'action en économie numérique : Pour l'excellence numérique des entreprises et des organisations québécoises, Gouvernement du Québec, 2016. The Government of Québec, the Government of Canada and Kativik Regional Government are co-funders. This contribution will enable satellite Internet services in communities and businesses pending the arrival of fiber optics. It will also make it easier to replace local wireless distribution networks in the four Inuit communities with more than 1,000 inhabitants (Kuujuaq, Puvirnituq, Inukjuak and Salluit).

63 Centrale des syndicats du Québec, L'AENQ réclame la mise en place d'un calendrier scolaire adapté au Nunavik, August 21, 2007.

as having special needs, compared to 26% for Québec as a whole.<sup>64</sup> It seems that many special needs students have no services, which may explain this statistic. As school principals and teaching staff affirm, despite a school board directive on the organization of services for students with handicaps, behavioural disorders or learning difficulties,<sup>65</sup> there is an observed:

- ▶ absence of student assessment or reassessment, or significant delays in that respect;
- ▶ absence of intervention plans for the students who need them, or disparities in this regard from school to school;
- ▶ lack of qualified resources.

75 Furthermore, according to Nunavik Regional Board of Health and Social Services, lack of educational service continuity has sometimes occurred when young people had to be placed in an institutional setting during their schooling. To prevent such situations, the regional board now provides educational services to institutionalized students by hiring teachers who are not under contract with Kativik School Board. These students nonetheless remain within the school board's territory.

76 The Nunavik Regional Board of Health and Social Services has also seen educational service interruptions when special needs students must receive health services in an institution in the south. Under the rules in force, students who receive instruction in English in Nunavik must have a certificate of eligibility issued by the Department in order to attend an English school in the south while they are receiving healthcare. The exemption provided in the Charter of the French Language,<sup>66</sup> which allows Kativik School Board to provide instruction in Inuktitut and in all other languages of instruction used within the community, applies only to Kativik School Board and not to Inuit students. According to testimony, frequently the regional board only manages to obtain the certificate of eligibility a few months later because of delays by the school board and the Department in completing the required documents and processing the application. As a result, students are not taught in the meantime and fall behind, which impedes their educational success.

77 The Department must, in conjunction with Kativik School Board and the Ministère de la Santé et des Services sociaux, ensure that students with special needs receive adequate educational services. In fact, one of the responsibilities of the Ministère de la Santé et des Services sociaux is to offer this client population individualized service plans when required.<sup>67</sup> As a rule, these players must collectively determine how the necessary services are provided, as well as their complementarity and accessibility, which our investigation has found is not always the case. However, there have been certain initiatives by the regional board, such as hiring a nurse for the secondary school in Kuujuaq.

78 As a result, there must be formal bridges between the various organizations. The Québec Ombudsman notes the will of Kativik School Board and Nunavik Regional Board of Health and Social Services to enhance the slate of services, while respecting the respective areas of jurisdiction. The Ministère de la Santé et des Services sociaux, the Ministère de l'Éducation et de l'Enseignement supérieur and Kativik School Board must establish a

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64 Ministère de l'Éducation et de l'Enseignement supérieur, Les indicateurs – Tableau 6 Enseignement secondaire, formation générale des jeunes : quelques caractéristiques des élèves, Commission scolaire Kativik, Proportion des élèves identifiés HDAA, 2015-2016.

65 Kativik School Board, EDU 02 D – [Directive on the Organization of Services for Students with Handicaps, Social Maladjustments or Learning Difficulties](#), effective date July 1, 2013.

66 CQLR, c. C-11, art 88.

67 Act respecting health services and social services, CQLR, c. S-4.2, s. 103.

formal agreement for recognizing the responsibilities of each party in order to provide services adapted to regional realities. Such an agreement would ensure services and a service continuum for special needs students in every Nunavik community.

- 79 Moreover, such an agreement would be consistent with the will of the Government of Québec to maximize the efficiency of the resources invested by coordinating the measures and avoiding duplications.<sup>68</sup> The following recommendation is also in keeping with the will of the Government of Québec to further bolster the collaboration that is essential to create service corridors leading, for Aboriginal users, to coherent, continuous service delivery, while ensuring better linkage between Government of Québec services and those provided by Kativik School Board.<sup>69</sup>

**In light of the preceding, the Québec Ombudsman recommends:**

**R-8 That the Ministère de l'Éducation et de l'Enseignement supérieur and the Ministère de la Santé et des Services sociaux support Kativik School Board and Nunavik Regional Board of Health and Social Services in establishing a formal agreement enabling linkage of health services and social services with educational services for the students in Nunavik communities.**

**3.3 Student absenteeism: an important but scantily documented issue**

- 80 In Nunavik, school attendance is compulsory until age 15.<sup>70</sup> In the course of the investigation, the Québec Ombudsman saw that the young people it met with demonstrated a keen interest in school as a place where they can learn and as a living environment.
- 81 However, despite the lack of data on school attendance, the Québec Ombudsman noted that a high proportion of students are absent from school, a fact corroborated by testimony obtained during the investigation. The situation can be attributed to various factors, especially the psychosocial and family realities of many of these students,<sup>71</sup> as well as the lack of follow-up on student absenteeism.
- 82 Under the *Education Act for Cree, Inuit and Naskapi Native Persons*,<sup>72</sup> when a child is not in school, the teacher must notify the school principal who, in turn, must notify the school board. It must make use of persuasion in communicating with the mother, father, tutor or guardian of the child and, if needed, give them a special notice.<sup>73</sup> Ultimately, if a member of the school staff or the school board has reasonable grounds to believe that a child's safety or development is or may be considered to be in danger, that person must report the situation to the Direction of Youth Protection.<sup>74</sup> According to testimony, communication with the families is often difficult and the parties reach an impasse. Generally speaking, there is no follow-up on absenteeism.

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68 Québec, cited above, note 56.

69 Idem.

70 Education Act for Cree, Inuit and Naskapi Native Persons, cited above, note 10, ss. 256, 261 and 262. In Nunavik, school attendance is compulsory until age 15 and not until age 16, as provided for in section 14 of the Education Act. According to section 679, a school board may exempt any child from compulsory school attendance if he or she is the sole or partial provider for the family.

71 See the Commission des droits de la personne et des droits de la jeunesse report entitled Investigation into child and youth protection services in Ungava Bay and Hudson Bay, April 2007.

72 The Education Act for Cree, Inuit and Naskapi Native Persons, cited above, note 8, s. 278.

73 Ibid., ss. 272, 273 and 274.

74 Youth Protection Act, CQLR, c. P-34.1, s. 39.



- 83 The *Act to amend the Youth Protection Act and other provisions*,<sup>75</sup> assented to on October 5, 2017, and which must come into force by regulation, provides that Nunavik Regional Board of Health and Social Services must enter into an agreement with Kativik School Board. Both parties will have to mutually determine the services which the health and social services network and the education system will have to offer children and their parents when the children have been the subject of a report of educational negligence or if they are absent from school despite their obligation to attend school. The agreement should put collaboration in place to ensure that the child's situation is monitored as well as for establishing service continuity and complementarity. The parties must act in conjunction with each other.
- 84 Recently, the Department adopted additional measures to ensure compliance with compulsory school attendance for all students who attend school south of the 55th parallel. Under the *Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance*,<sup>76</sup> certain obligations are imposed on school boards and parents in order to ascertain and, if applicable, regularize a child's situation with respect to compulsory school attendance. The Act introduces a general prohibition against behaving in any manner that compromises a child's attending school as required. In addition, persons designated by the Minister are given powers to ascertain more particularly whether the provisions on compulsory school attendance are being complied with. Given recurrent difficulties surrounding compulsory school attendance in Nunavik, the Department should also provide for new measures applicable to Kativik School Board with a view to strengthening compliance with compulsory school attendance. In fact, the Government of Québec expressed its desire to implement concrete initiatives and projects that target educational success and school retention among First Nations and Inuit students.<sup>77</sup>
- 85 Lastly, according to testimony, one of the causes of absenteeism may be that in Inuit territory, part of the year it is extremely cold and school buses do not always start. When this happens, students must walk long distances to get to school. Moreover, schools do not have the infrastructure for students to stay for lunch. Forced to walk to school and then go home for lunch, many young people do not show up at all or do not go back to school in the afternoon. However, the Québec Ombudsman was not able to obtain any data on the extent of the problem because the school board does not collate statistics on the availability of school transportation or on school attendance. The Québec Ombudsman would point out that every young person who attends school must be able to do so with complete safety and without jeopardizing his or her health.
- 86 Pursuant to the budgetary rules in effect,<sup>78</sup> the Department can ask the school board for statistics on its client population and transportation organization, as well as data pertaining to school transportation operation. However, according to the information obtained by the Québec Ombudsman, the Department does not ask Kativik School Board for this information. These data would enable it to assess the advisability of building additional infrastructure for school buses.

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75 Bill 99, 2017, c. 18.

76 SQ, 2017, c. 23, ss. 3, 4, 8, 14, 15, 17, 18 and 19.

77 Québec, cited above, note 56.

78 Ministère de l'Éducation, du Loisir et de du Sport. Commission scolaire Kativik - Règles budgétaires pour les années scolaires 2011-2012 à 2013-2014, Gouvernement du Québec, 2012.



**In light of the preceding, the Québec Ombudsman recommends:**

- R-9** That the Ministère de l'Éducation et de l'Enseignement supérieur approach Kativik School Board to obtain the information needed to determine school attendance and identify the causes of absenteeism.
- R-10** That the Ministère de l'Éducation et de l'Enseignement supérieur propose measures to strengthen compliance with compulsory school attendance after consulting Kativik School Board.
- R-11** That the Ministère de l'Éducation et de l'Enseignement supérieur obtain the required information from Kativik School Board concerning school transportation pursuant to the budgetary rules in effect, notably:
- ▶ data pertaining to the vehicles operated (form TE-100);
  - ▶ statistics on the client population and transportation organization, in the format determined by the Department;
  - ▶ data on school transportation, in the format determined by the Department.

### **3.4 Compromised access to postsecondary studies and adult education**

- 87** Since the summer of 2017, some 20 Inuit students have taken part in a postsecondary studies pilot project in Montréal called Nunavik Sivunitsavut (Nunavik, our future). Under an agreement obtained by Kativik School Board, the students take courses for credit from John Abbott College for a year. The program is designed to create a critical mass of young people with the skills necessary to meet labour needs in their region.<sup>79</sup>
- 88** Despite promising initiatives, access to postsecondary studies remains difficult: Kativik School Board estimates that 3% of Inuit have a diploma of college studies, compared with 37.4% for Québec as a whole.<sup>80</sup> The rate for a certificate, diploma or university degree is 2%,<sup>81</sup> compared to 30.9% for Québec overall.<sup>82</sup>
- 89** Various factors contribute to reducing access to postsecondary studies for Nunavik students who graduate from secondary school:
- ▶ Because Nunavik is sparsely populated, it has no institution that provides college- or university-level education;
  - ▶ Lack of advanced secondary-level mathematics and science courses limits choices at the postsecondary level, which affects young people's motivation to continue studying;
  - ▶ Kativik School Board has an adult education program as well as vocational training for students 16 years old and over. Present in 6 of the 14 communities, these resources are difficult to access for students from the other communities. Distance

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<sup>79</sup> Students enrolled in the Nunavik Sivunitsavut program learn more about Inuit politics, governance, the literature of their community, archeology, archives and oral traditions, and global international issues from an Inuit perspective.

<sup>80</sup> Gauthier, Marc- André, Institut de la statistique du Québec, Coup d'œil sociodémographique – Regard sur deux décennies d'évolution du niveau de scolarité de la population québécoise à partir de l'Enquête sur la population active, Proportion de la population âgée de 25 à 64 ans selon le plus haut niveau de scolarité atteint, Québec, 1990-2012, February 2014, no. 30.

<sup>81</sup> Source: Kativik School Board, 2011.

<sup>82</sup> Institut de la statistique du Québec, Panorama des régions du Québec, 2017 edition.

education calls for students to be able to work independently and have specific literacy skills, requirements that not all of them can meet;

- ▶ According to the school board, Inuit have little access to the Department's acquired competencies recognition program due to the low level of funding available.

- 90 In the Québec Ombudsman's opinion, considering individual and community-wide issues, it is important to increase the ability of young Inuit to continue studying beyond the secondary level. The Government of Québec has committed to enriching the slate of educational services by proposing programs that are more effective and better adapted to the realities set out by the First Nations and Inuit. It would do this by consolidating the existing services so that Government of Québec networks and the various Indigenous organizations that provide numerous services themselves are complementary.<sup>83</sup>
- 91 For example, it would be highly advisable to establish other partnerships between Nunavik's education system and provincial cegeps to give Inuit students the opportunity to take all college level programs, even those that have prerequisites in mathematics and sciences. Interesting partnerships have already been established for some of Québec's more isolated communities.<sup>84</sup> The missing prerequisites are integrated within the students' college program, rather than requiring that they take these courses in another adult education institution.
- 92 Furthermore, better access to the Department's recognition of acquired competencies program would make it possible for more people to have official confirmation of their competencies and learning – work and other experiences – if they have not taken certain courses in the curriculum. The attribution of equivalences would allow some people to pursue higher learning, and others, to have better working conditions and job prospects.
- 93 In the Québec Ombudsman's opinion, the Department must work with Kativik School Board to establish programs that allow better access to postsecondary studies and to the recognition of acquired competencies program. For example, implementation of the new adult education curriculum (pedagogical reform) became mandatory in linguistic school boards on July 1, 2018. Kativik School Board was not obliged to introduce this new curriculum because it is not a linguistic school board. That said, it nonetheless began the updating process in 2016 in order to take the first steps in implementing the curriculum. The Québec Ombudsman saw that Kativik School Board did this by sending the Department a 2017-2022 action plan concerning implementation of the new curriculum for General Education, Adult Sector, as well as training for the pedagogical advisors and teachers of that sector. Six months later, the school board is still waiting for an answer from the Department, despite repeated reminders.
- 94 The Québec Ombudsman noted, however, that, in 2017, the Department authorized the contribution of an "organizational SWAT team" (consisting of teachers, those in charge of pedagogical support, and managers), on an ad-hoc basis, to provide exclusive support

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<sup>83</sup> Québec, cited above, note 56.

<sup>84</sup> For example, Kitci Amik Adult Education Centre, located in Lac-Simon, has partnered with Cégep de l'Abitibi-Témiscamingue to establish DES -6 and DES -10 programs accessible to Indigenous students of the community. The program enables the students who obtained a diploma of college studies (DEC), but who did not get the credits for admission to certain college programs, to get into the college program of their choosing anyway provided they obtain the missing credits. The partnership between the two institutions enables students to go to one institution only, have only one schedule and, as of the first term, start their courses from the chosen college program in addition to taking the missing credits at the same time with a CRÉA teacher within the cegep.

for implementing the new adult education programs in Nunavik. It would be worthwhile to maintain this on an ongoing basis until the programs are fully implemented.

**In light of the preceding, the Québec Ombudsman recommends:**

**R-12 That the Ministère de l'Éducation et de l'Enseignement supérieur inform Kativik School Board of its intended follow-up to the 2017-2022 action plan concerning implementation of the General Education, Adult Sector, curriculum and the training of pedagogical advisors and teachers in this sector.**

**R-13 That the Ministère de l'Éducation et de l'Enseignement supérieur provide Kativik School Board with the support it requests by means of a "SWAT team" until the adult education programs are fully implemented.**

### **3.5 Available data on education in Nunavik**

95 The investigation by the Québec Ombudsman revealed shortcomings that hinder achievement of the goals of the education system (e.g. major challenges posed by the organization of education, workforce issues for teachers, absenteeism and compromised access to postsecondary studies and adult education). To participate actively in the fundamental, crucial and generative deliberations aimed at implementing quick and effective solutions for these deficiencies, the Department must have all necessary data on the education system in Nunavik. It must also send this information to Kativik School Board. The investigation by the Québec Ombudsman showed that for several years now, much of this information has not been updated by the Department, which says that the unpublished data must undergo more in-depth analysis and processing. For example, the Department was unable to provide recent data on Kativik School Board regarding:

- ▶ a portrait of the teaching staff based on mother tongue and level of instruction;
- ▶ the age, number of years of experience and the education level of its teaching staff compared to that of other school boards;
- ▶ distribution of General Education, Youth Sector, students by class and the modal age gap;
- ▶ the proportion of students who have no academic delays in the first year of the third cycle of elementary school and the second cycle of secondary school;
- ▶ the rate of students who transition directly from Sec. V to cegep;
- ▶ students in college institutions and universities.

96 And yet, the Department does this for school boards in the south by getting the information needed for compilation and analysis purposes from them. In fact, it publishes a series of interesting data each year in a statistical bulletin.<sup>85</sup> Without this information, it is impossible to have an objective picture of the situation, to establish measures, to gauge gains and to provide any additional financial resources required.

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<sup>85</sup> The Ministère de l'Éducation et de l'Enseignement supérieur, pursuant to section 1.3 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport, CQLR, c. M-15, may obtain the necessary information from departments and agencies and compile, analyze and publish available information.

**In light of the preceding, the Québec Ombudsman recommends:**

**R-14** That the Ministère de l'Éducation et de l'Enseignement supérieur produce a portrait of education in Nunavik, update it annually and post it on its website.

**3.6 General finding: the Department must fully play its role regarding Kativik School Board**

- 97 The Department must fully discharge its responsibilities regarding Kativik School Board and, by extension, regarding Nunavimmiuts. It must perform its duties while respecting the right of every person in Nunavik to an education system that fosters his or her full development.<sup>86</sup> To do this, it must offer Kativik School Board the administrative and financial means needed for it to fulfil its mandate.<sup>87</sup> It must also support it by establishing healthy collaboration. With the Minister's authorization, the Department may also provide Kativik School Board the services it deems necessary.<sup>88</sup>
- 98 The Québec Ombudsman has noted that some requests by Kativik School Board have remained unanswered, despite several reminders; this hinders the sound administration of educational services in Nunavik. Cases in point are the 2016-2025 infrastructure plan, the five-year plan for training pedagogical advisors and General Education, Adult Sector teachers, and the 2017-2022 action plan concerning the implementation of the General Education, Adult Sector curriculum.
- 99 This lack of follow-up has many consequences. Awaiting a response concerning the 2016-2025 infrastructure plan from the Department for more than two years, the school board cannot go ahead with plans to enlarge existing schools, construct apartments for teaching staff, or add a student residence and new shelters for school buses. This same holds true for the new secondary school project in Inukjuak, submitted in 2015 and approved by the Department in the spring of 2018. Unfortunately, the project will be postponed by a year because in planning the work, Kativik School Board must take into account boat delivery of the material and weather constraints, which limit the times when the work can be done.
- 100 Ongoing, reliable and transparent relations between the Department and the school board must be established. In this regard, the Québec Ombudsman applauds the fruitful contribution of Department employees who, in the past several months, have helped the school board develop technological tools and assisted it in its arrangements with suppliers. As it now stands, Kativik School Board still does not have the technology to produce a digital file for every student, and report cards are still completed by hand. This also explains why, from school to school, from community to community, and from teachers to school board employees, information does not circulate as it should. Today, these are the mechanisms that make it possible for the education community elsewhere in Québec to know its students and to, where applicable, provide the appropriate resources. The Québec Ombudsman feels that this example of cooperation must inspire other initiatives.
- 101 The Québec Ombudsman has also noted the desire of the Government of Québec to offer and put at the disposal of First Nations and Inuit services and programs that are more effective, that are better adapted to their reality and that meet their immediate needs.<sup>89</sup>

<sup>86</sup> Act respecting the Ministère de l'Éducation, du Loisir et du Sport, cited above, note 14, preamble.

<sup>87</sup> Ibid.; Agreement, cited above, note 2.

<sup>88</sup> Ibid., para. 1 s. 1.3

<sup>89</sup> Québec, cited above, note 56.

**In light of the preceding, the Québec Ombudsman recommends:**

**R-15 That the Ministère de l'Éducation et de l'Enseignement supérieur establish effective communication channels with Kativik School Board at various strategic and operational levels.**

## 4 Conclusion

- 102 Instruction and the acquisition of knowledge are among the main vehicles for the fulfilment and development of cultures and peoples. The Inuit people we met readily concurred that education and school can foster their culture, give life to their traditions and, at the same time, steer their communities towards modernity.
- 103 Further to signature of the Agreement 40 years ago,<sup>90</sup> Kativik School Board became the sole provider of educational services for Nunavik. Various mechanisms were therefore written into *The Education Act for Cree, Inuit and Naskapi Native Persons*<sup>91</sup> that provide for the Ministère de l'Éducation et de l'Enseignement supérieur to assume certain obligations regarding this school board.
- 104 In June 2017, in its government action plan for the social and cultural development of the First Nations and Inuit,<sup>92</sup> the Government of Québec affirmed its desire to maximize access to and the effectiveness of government service delivery through a sweeping, gradual, coherent adaptation of such delivery to the specific cultural and historic traits of Inuit and First Nations. Regarding education more specifically, the Government of Québec acknowledged that its initiatives could be consolidated, its resources reallocated and its funding bolstered.<sup>93</sup> The plan is a paradigm shift in the government's manner of envisioning its action regarding the social and cultural development of First Nations and Inuit.
- 105 During the investigation it conducted, the Québec Ombudsman noticed that administrative bodies outside Nunavik, careful about respecting the autonomy of Aboriginal populations, were using a "non-interference" policy. However, the inflexible application of such a policy has generated situations of non-communication between players from the south and the north, who must, in fact, cooperate, confer and work together to provide the public services that the citizens of Nunavik require.
- 106 The Québec Ombudsman saw that the Department has a restrictive vision of its role and this position prevents it from exercising the approval, support and guidance responsibilities incumbent on it. In so doing, the Department

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<sup>90</sup> Agreement, cited above, note 2.

<sup>91</sup> Act, cited above, note 2.

<sup>92</sup> Québec, cited above, note 56.

<sup>93</sup> Idem.

does not discharge certain of its duties, including encouraging and supporting the school board, while providing it with the assistance it needs to fulfil its role. To foster a situation that is fair to all Québec citizens, the Department must offer Kativik School Board the tools it needs to carry out its mandate and leave the door open should the school board wish to benefit from Department expertise. Some of the approaches developed over the years by the Department could serve as templates for the school board, notably regarding student retention and success, and the organization of educational services for students with handicaps, behavioural disorders or learning difficulties.

- 107 The Québec Ombudsman is of the opinion that Department intervention must be prompt and transparent and carried out in a spirit of solidarity with and respect for the Inuit and their aspirations for a better education system. The progress required so that educational services in Nunavik meet the needs of its population will stem largely from greater appropriation by the Department of its role in this respect, which calls for concerted action with Kativik School Board.

**Concerning follow-up to the recommendations of this report, the Québec Ombudsman recommends:**

**That no later than February 15, 2019, the Ministère de l'Éducation et de l'Enseignement supérieur send the Québec Ombudsman a work plan concerning follow-up to the recommendations of this report and that it report on the status of the plan on December 15, 2019, and, subsequently, at intervals to be agreed upon.**

## Appendix 1 : Recommendations

### In light of the preceding, the Québec Ombudsman recommends:

- R-1** **That** before April 1, 2020, the Société d'habitation du Québec, in conjunction with the competent authorities (federal, provincial and Inuit), propose actions for dealing with the shortage of apartments in Nunavik, taking into account the needs expressed by the region's organizations and government budget availability.
- R-2** **That** the Ministère de l'Éducation et de l'Enseignement supérieur, in cooperation with those involved, decide on a work plan for the roundtable for the educational success of Indigenous students that specifies the objectives and the time line for achieving them.
- R-3** **That** the Ministère de l'Éducation et de l'Enseignement supérieur, in cooperation with Kativik School Board, decide on a work plan for the pedagogical roundtable established in March 2018, that specifies objectives and the time line for achieving them.
- R-4** **That** the Ministère de l'Éducation et de l'Enseignement supérieur inform Kativik School Board of the follow-up it intends for the infrastructure plan submitted by the school board in 2015, especially regarding the funding requested for the construction of apartments.
- R-5** **That** the Ministère de l'Éducation et de l'Enseignement supérieur encourage and support institutions of higher learning, as part of university teacher training, by offering a special course on Indigenous realities and the skills required for the teaching provided to First Nations and Inuit.
- R-6** **That** the Ministère de l'Éducation et de l'Enseignement supérieur work with Kativik School Board to produce an action plan to substantially increase the number of qualified Inuit teachers.
- R-7** **That** the Ministère de l'Éducation et de l'Enseignement supérieur take measures to provide the financial resources required for Kativik School Board to hire qualified substitute teachers by mutual agreement with the school board as to needs.
- R-8** **That** the Ministère de l'Éducation et de l'Enseignement supérieur and the Ministère de la Santé et des Services sociaux support Kativik School Board and Nunavik Regional Board of Health and Social Services in establishing a formal agreement enabling linkage of health services and social services with educational services for the students in Nunavik communities.
- R-9** **That** the Ministère de l'Éducation et de l'Enseignement supérieur approach Kativik School Board to obtain the information needed to determine school attendance and identify the causes of absenteeism.
- R-10** **That** the Ministère de l'Éducation et de l'Enseignement supérieur propose measures to strengthen compliance with compulsory school attendance after consulting Kativik School Board.

**R-11 That** the Ministère de l'Éducation et de l'Enseignement supérieur obtain the required information from Kativik School Board concerning school transportation pursuant to the budgetary rules in effect, notably:

- ▶ data pertaining to the vehicles operated (form TE-100);
- ▶ statistics on the client population and transportation organization, in the format determined by the Department;
- ▶ data on school transportation, in the format determined by the Department.

**R-12 That** the Ministère de l'Éducation et de l'Enseignement supérieur inform Kativik School Board of its intended follow-up to the 2017-2022 action plan concerning implementation of the General Education, Adult Sector, curriculum and the training of pedagogical advisors and teachers in this sector.

**R-13 That** the Ministère de l'Éducation et de l'Enseignement supérieur provide Kativik School Board with the support it requests by means of a "SWAT team" until the adult education programs are fully implemented.

**R-14 That** the Ministère de l'Éducation et de l'Enseignement supérieur produce a portrait of education in Nunavik, update it annually and post it on its website.

**Concerning follow-up to the recommendations of this report, the Québec Ombudsman recommends:**

**That no later than February 15, 2019, the Ministère de l'Éducation et de l'Enseignement supérieur send the Québec Ombudsman a work plan concerning follow-up to the recommendations of this report and that it report on the status of the plan on December 15, 2019, and, subsequently, at intervals to be agreed upon.**



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**LE PROTECTEUR DU CITOYEN**

Assemblée nationale  
Québec

Bureau de Québec  
19<sup>e</sup> étage  
800, place D'Youville  
Québec (Québec) G1R 3P4  
Téléphone : **418 643-2688**

Bureau de Montréal  
1080, côte du Beaver Hall  
10<sup>e</sup> étage, bureau 1000  
Montréal (Québec) H2Z 1S8  
Téléphone : **514 873-2032**

Téléphone sans frais : **1 800 463-5070**

Télécopieur : **1 866 902-7130**

Courriel : [protecteur@protecteurducitoyen.qc.ca](mailto:protecteur@protecteurducitoyen.qc.ca)