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<b>Title</b>	Student Complaint Policy - Concerning Employee Conduct or Performance
<b>Policy Area</b>	Education/Academic – Student Services, Support, Conduct
<b>Policy Number</b>	D.2.2
<b>See also</b> <i>(related policies)</i>	<a href="#">Discrimination, Bullying and Harassment</a> <a href="#">Violent and Threatening Behaviour</a>

<b>Effective Date of Policy:</b>	March 10, 2008
<b>Approval Date:</b>	March 10, 2008
<b>Applies to:</b>	Employees, Students
<b>Approving Body:</b>	President
<b>Supersedes:</b>	OC Student Complaint/Concern Procedure; July 18, 1997 Student Complaints Concerning OUC Personnel
<b>Legislative Authority</b>	<i>College and Institute Act</i>

The following are responsible for the administration of this policy,

<b>Primary Office</b>	<b>Contact</b>
Office of the Vice-President, Education	Vice President, Education

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## Policy Details

### 1. Scope of this Policy

- 1.1 When a student has a complaint regarding the *conduct* or *performance* of an employee of the College, that complaint may be submitted for consideration pursuant to this policy.
- 1.2 This policy does not apply to complaints addressing violations of policies which themselves contain or provide a complaint or appeal procedure including, but not limited to, grade appeals and complaints of discrimination or harassment.
- 1.3 This policy does not apply to issues related to course content. Issues relating to course content should be taken directly to the department Chair.

## **2. Items of General Application to Complaints**

The following items apply to all complaints initiated pursuant to this policy.

- 2.1 Complaints must be initiated, in writing, by the student no later than 15 days after the most recent event or occurrence which is the subject of the complaint.
- 2.2 If a student refuses, or is unable, to submit a complaint in writing, the College may exercise its discretion and investigate the complaint.
- 2.3 Where the identification of a student complainant is not material to the investigation and resolution of the complaint, the College may exercise its discretion whether or not to reveal the name of the student. Where the College determines that the identification of the student is material, but the student refuses to consent to the disclosure of their identity, the College may deny the complaint or delay the complaint investigation until the student consents to disclose their identity.
- 2.4 Representatives of the College responsible for addressing complaints shall have the discretion to tailor the manner in which the complaint procedure is conducted and to depart from this policy and the procedures set out herein as considered appropriate while ensuring the process remains fair and impartial to the student and the employee.
- 2.5 When the employee involved is covered by a collective agreement or employment policy, the applicable sections of the relevant agreement or policy must be followed.
- 2.6 Representatives of the College responsible for adjudicating complaints shall not be involved in a matter or activity that does, or may, place the representative in a conflict of interest in relation to the student, the employee, or the subject matter of the complaint.
- 2.7 Subject to any limits imposed either by law or by this policy, information (whether oral or written) which is created, gathered, received, or compiled through the course of an investigation must be treated as confidential by the College, the student, and the employee, and any other persons involved in the processing or adjudication of the complaint.
- 2.8 A complaint may be denied at any time if the student has failed to co-operate in the full and in the timely processing and advancement of the complaint.
- 2.9 A complaint which is frivolous or commenced in bad faith may be denied at any time and may result in disciplinary or other corrective measures being taken against the person who made the complaint. If discipline or corrective actions are taken against a student, a copy of that action will be placed on the student's file by the Registrar.
- 2.10 There will be no retaliation against a student for making a complaint in good faith, regardless of outcome. An individual retaliating may be subject to discipline.
- 2.11 An employee tasked with responsibility under this policy may delegate that authority to a designate as appropriate.

- 2.12 Time limitations imposed on the College in this policy shall be adhered to as closely as is reasonably possible in the circumstances.
- 2.13 For the purposes of this policy, a reference to a number of days shall exclude Saturdays, Sundays, statutory holidays, and any other days on which the College's administrative functions are not active.

<b>Procedures</b>
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### **3. Complaint Initiation Process**

- 3.1 A student who has a complaint about an employee's behaviour is encouraged to discuss the complaint directly with the employee whenever possible.
- 3.2 If the complaint cannot be resolved satisfactorily at this level, or if a direct discussion with the employee is not appropriate or possible, or if the student is not comfortable with discussing the matter with the employee, the student should discuss the complaint with:
  - 3.2.1 the Registrar or any Associate Dean, Dean or Director. If necessary, the Associate Dean, Dean, Registrar or Director shall assist the student in contacting the appropriate Associate Dean, Dean or Director; or
  - 3.2.2 the appropriate Vice President where the matter involves the Registrar, Dean or Director.
- 3.3 In cases where a student raises a concern with a department Chair or another employee, the student may be referred to the Registrar or appropriate Associate Dean, Dean, Director or Vice President.
- 3.4 The Associate Dean, Dean, Registrar, Director, Vice President or designate (hereinafter referred to as the "Supervisor") shall explain to the student the complaint resolution procedures in this policy. The Supervisor should take care to determine if the student wants to make a complaint, or, just wants to discuss a concern. The student may decide to make a complaint or may decide that a complaint is not appropriate and elect to take no further action.
- 3.5 If a complaint is filed, then it must be in writing and it must:
  - 3.5.1 identify the employee and the nature of the complaint;
  - 3.5.2 provide the facts of the complaint;
  - 3.5.3 provide copies of any related documents; and
  - 3.5.4 identify any other College employees or students involved in or witnesses to the events which are the subject of the complaint.

(Please refer to Attachment A).

### **4. Complaint Process**

- 4.1 The Supervisor will, with a view towards reaching a resolution of the complaint:
  - 4.1.1 discuss the complaint and the related circumstances with the student;

- 4.1.2 review the written complaint materials submitted by the student;
- 4.1.3 provide the employee with a copy of the written complaint and any related materials and discuss the complaint with the employee;
- 4.1.4 determine whether the complaint can be appropriately resolved in an informal fashion and, if so, take the necessary measures to achieve that result and inform the student and employee of the determination;
- 4.1.5 if an informal resolution cannot be reached, then the Supervisor will ask the employee for a written response to the complaint;
- 4.1.6 interview any witnesses, and the student and employee again if necessary;
- 4.1.7 consider all written and oral submissions and, having done so, produce a report and decide whether to:
  - 4.1.7.1 dismiss the complaint;
  - 4.1.7.2 impose a form of discipline; or
  - 4.1.7.3 take other steps which may be appropriate in the circumstances;
- 4.1.8 inform the student and the employee of the determination, and inform the employee of any resulting discipline or corrective action.

- 4.2 If discipline or corrective action is taken towards the employee, a copy of the discipline or corrective action will be placed on the employee's personnel file by the Human Resources Department. When the employee involved is covered by a collective agreement or employment policy, the applicable sections of the relevant agreement or policy must be followed with respect to the employee's personnel file.

## **5. Appeals**

### **5.1 Appeals by the Student**

- 5.1.1 When the College has exercised its discretion by making a decision in relation to a student, the student has a right to appeal.
- 5.1.2 Appeals relating to the merits of the College's decision will be governed by the Student Appeals policy. Appeals relating to whether the College's decision was procedurally fair and impartial will be governed by the Final Appeal Tribunal policy.
- 5.1.3 All appeals must be initiated, in writing, by the student within 15 days of his or her gaining knowledge of the decision being appealed.

### **5.2 Appeals by the Employee**

- 5.2.1 If discipline or corrective action is taken towards the employee as a result of the complaint, the employee will have access to the applicable appeal or grievance procedures. Nothing in this policy is intended to limit or otherwise interfere with the employee's normal avenues of redress in response to corrective action or other steps imposed by the College.

