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## STUDENT COMPLAINT RESOLUTION POLICY

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**SECTION:** Student Affairs and Services

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### **POLICY:**

Consistent with the College of New Caledonia's aim to provide high quality services to every student, the College welcomes students' feedback about their College experience and provides a complaints resolution process designed to address effectively and fairly every complaint formally brought forward by a student about any aspect of that experience.

### **Definitions:**

For the purpose of this policy:

"Appeal" means a request for reconsideration of a decision.

A "complaint" is an expression of dissatisfaction made to the College by a student in relation to the College, a student or a staff member where a response or resolution is explicitly or implicitly expected.

An "Educational Administrator" is a Dean, Associate Dean, Regional Director, Associate Regional Director, or a Director.

"Complainant" is an individual or several individuals who lodge a complaint.

"Respondent" is an individual, several individuals or an organisational unit of the College who is/are alleged by a complainant to be responsible for the circumstances comprising the complaint.

"Student" means:

- an individual enrolled in a credit course(s);
- an individual enrolled through Continuing/Community Education as a student in a specific course offering;
- an individual enrolled in a Career and College Preparation (CCP)course(s)
- an individual enrolled in a technical or trades course(s) including CTC students;
- a staff member may be defined as a 'student' for the purposes of this Policy if they are also a student of the College and are enrolled or previously enrolled as above.

“College” includes any of the College’s constituent entities, whether in British Columbia or elsewhere, and any person acting in the capacity as a representative of the College or any of its constituent entities.

**Scope of the Policy:**

The College has policies dealing with complaints or appeals in particular areas and/or situations. A list of such specific policies is set out in Appendix 1. Where such a policy exists, that policy, including any time limits specified in it, must be followed. The procedures set out in this document are for use only where no specific policy is applicable.

A student enrolled in a course offered by another college and/or university even though the course may be credited to the student’s record at the College of New Caledonia, is subject to the procedures of the college or other institution offering that course (e.g. Fine Arts diploma study at Lorenzo de Medici, Florence, Italy).

The College ensures that, in any collaborative arrangement with another institution, the authority of each institution in relation to student complaints is clearly defined.

It is important to recognise that this Policy operates in conjunction with many other policies some of which may constrain possible resolutions (for example a student may wish to see a staff member dealt with in a particular way, but this may not be possible under labor law, Collective Agreements or other College Policies.)

**Rights and Responsibilities of Parties to the Complaint**

Every student has the right:

- 1) to be able to register a complaint against any academic procedure, administrative procedure, perceived discrimination or harassment, or the abrogation of any right covered in the Canadian Human Rights Act;
- 2) to a clearly-documented process for dealing with any complaint which is confidential, non-discriminatory, unbiased, and accountable; offers the opportunity for them to be accompanied to hearings by a person of their choice; and leads to resolution within a reasonable time;
- 3) to receive reasons for resulting decisions;
- 4) to be advised of opportunity for further appeal; and to experience no repercussions as a result of participation in the process; and
- 5) to seek guidance from the Student Union, a College Counsellor, or an Educational Administrator as appropriate when submitting a complaint.

Every student has the responsibility:

- 1) to familiarise themselves and comply with the complaint and appeal procedures.

The rights and responsibilities of respondents in relation to student complaints resolution are identified in a number of College documents including the Faculty Association Collective Agreement, the CUPE Collective Agreement and various College policies.

**General Principles:**

- 1) This Policy aims to reconcile the interests of students, staff and the College while ensuring that overarching expectations of fairness are met.
- 2) The College is committed to ensuring that complaints are dealt with through processes which reflect the principles of natural justice and are transparent and timely.
- 3) The College depends on a high level of goodwill and trust between students and staff. In the first instance, an attempt should be made to resolve difficulties and differences as close as possible to their source with the people most directly involved. It is expected that the more formal processes set out towards the end of this Policy will be used on relatively rare occasions.
- 4) Clearly, it will not be possible to resolve every complaint in a way which gives satisfaction to all parties. For example, resourcing constraints may affect the level of service provided. However, the procedures are designed and should be implemented so that if there is disappointment with an outcome it is not aggravated by dissatisfaction with a process.
- 5) The College undertakes that for all parties involved in a complaint, privacy and confidentiality will be assured as far as is possible unless disclosure to third parties is required under Federal or Provincial legislation (including Freedom of Information legislation) or College regulations or policies; and/or disclosure is necessary to progress the complaint, in which case the student will be notified in advance of the disclosure.
- 6) The College ensures that the procedures operate consistently and in accordance with other College regulations, policies and relevant Provincial legislation.
- 7) It is the College's intention to ensure that neither the aggrieved student nor the person against whom the complaint has been lodged is subject to reprisals or discrimination of any kind as a result of participation in a complaint resolution process.
- 8) If a complaint is found to be vexatious or frivolous then appropriate action against the complainant may be considered, including action under the Human Rights Act.

## **Limiting Complaints**

Every student can contribute to minimising the extent to which complaints arise. Depending on the circumstances a student can:

- suggest to other students who are having difficulties or have complaints that they seek assistance from relevant College staff and service area;
- promote mutual respect between individuals, whether members of staff or students, such that complaints are less likely to arise;
- be aware of the laws and College policies and guidelines that extend rights and responsibilities to students.

Every staff member can contribute to minimising the extent to which complaints arise. Depending on the circumstances a staff member should:

- ensure that students are given timely and explicit information on all relevant matters
- encourage students to ask questions and/or raise concerns
- seek students' feedback
- listen carefully to students' comments
- be aware of the laws and College policies and guidelines that extend rights to students.

## **Support Services**

It is recognised that complainants and respondents participating in a complaints resolution process may require support. In the case of the respondent being a member of staff or an organisational unit of the College, a range of supports including peers, EFAP, Human Resources and the Union are available.

For complainants or respondents who are students only, a range of supports across the College are available. Depending on the nature of the complaint, other school/faculty staff such as Coordinators, Deans, Associate Deans, Regional Director, Associate Regional Directors, Counsellors in Student Services and the Student Union may be able to offer support. Indigenous aboriginal students may also contact the Aboriginal Resource Centre for support and advocacy.

A student having a complaint of any kind, which they have been unable to resolve informally, may contact the relevant Program Coordinator and/or Associate Dean, a College Counsellor, the Student Union or the Aboriginal Resource Centre to discuss their concerns, and will be advised on appropriate further action to take, or whom they should next consult in the attempts to resolve their problems. Any one contacted may attempt to mediate or resolve a complaint informally.

## **PROCESS/PROCEDURE**

- All parties are encouraged to review related policies such as the College of New Caledonia's Human Rights Policy (HR 5017) and to seek advice, if required. It is

expected that information-sharing between the student, the complainant, and the employee, the respondent, in the complaint resolution process will occur in a respectful and professional manner. Electronic notification of a student complaint via email or instant messaging is not acceptable.

- Clarification of the steps in the student complaint resolution process and/or assistance with articulation of the complaint can be sought from the Students' Union or the Counselling and Advising Department or the relevant Regional Counsellor and/or Regional Director/Associate Regional Director.
- The College has overriding obligations under Freedom of Information legislation and the law generally. Beyond those obligations, the College facilitates access to information and documents relevant to a complaint while having due regard to privacy, confidentiality and the reasonable interests of any relevant third parties.
- Students are entitled to be accompanied at all stages of the complaints process by a person of their choosing. However the accompanying person must not be a legal practitioner.
- Students are expected to present his/her own case.
- A complaint may be judged to be vexatious or frivolous for further consideration, and thereby rejected summarily by the Vice President Academic or the Vice President, Community and Student Services. If so, this is done at the earliest possible time, with reasons given in writing to the student. The College exercises its discretion so as not to strike out complaints solely because of minor procedural deficiencies in the application.
- Nothing in this Policy precludes an individual or the College from reporting an alleged criminal action to the police or other relevant authority.

### **COMPLAINT STEPS**

It is recommended that students will normally progress through each step. It is expected that most complaints are resolved through an internal process at steps 1 and/or 2.

Students may find the suggestions in Appendix 2 useful when preparing for this initial contact.

### **STEP 1: INFORMAL RESOLUTION BY THE COMPLAINANT**

- Any student (complainant) who is dissatisfied with any aspect of their College experience is encouraged to raise the cause of that dissatisfaction with the staff member most directly concerned.
- Students are encouraged to attempt resolution of their complaint as soon as possible; informal resolution procedures shall be **initiated within ten (10) working days** of the incident which led to the complaint.

- If a student is unsure whom to approach, they are encouraged to seek guidance from the Students' Union or a Counsellor in the Counselling & Advising Department or the Advisor in the Aboriginal Resource Centre or the Advisor in the International Education Department.
- At the point of initial contact a student can expect that any complaint will be treated seriously and they will receive a fair hearing.
- In their discussion with the staff member (**respondent**), the student shall outline the nature of the complaint including a brief description of what occurred, when and where it took place and who was involved.
- The respondent shall consider the student's concerns and outline their understanding of the situation. Both parties are encouraged and expected to respectfully clarify their perspectives.
- Any staff member approached by a student with a complaint against the staff member or some aspect of the College environment for which the staff member has immediate responsibility, will take reasonable and prompt action to try to resolve the complaint.
- The student may expect to receive a response within ten (10) College working days. Students must be kept informed of the steps being taken to resolve their complaint.
- If a student is having difficulty attempting to resolve the complaint, the student should contact the Students' Union or the Counselling and Advising department or Regional Counsellor or the Regional Director/Associate Regional Director; or the Aboriginal Resource Centre Academic Advisor or the International Education Academic Advisor. The role of this individual is to clarify the steps in the process, explore options to assist the student in his/her efforts to resolve any concerns and, where appropriate, suggest sources of support for the student. If the student's complaint is with the Counsellor/Advisor or the Dean/Regional Director, the student should contact the appropriate Administrator, the Vice President of Community and Student Services or the Vice President Academic, respectively.
- The student and staff member must complete the "Step 1" section of the Student Resolution Complaint form and provide a copy to the appropriate Dean/Director/Regional Director/Supervisor.
- Any staff member who, as a result of participating in an informal complaint resolution process, identifies an issue of broader application than the individual complaint, is required to draw the issue to the attention of the appropriate Educational Administrator or the relevant responsible person.

## **STEP 2 – INFORMAL RESOLUTION – SUPPORTED**

*(The majority of complaints will not progress beyond this step.)*

- A complainant, dissatisfied with the attempts at resolution at step 1, or where they are unable to enact step 1, may seek support from the relevant Educational Administrator.
- If the complaint involves a student and an instructor and they are unable to resolve the issue themselves, either party can request mediation from the appropriate Dean/Associate Dean; Regional Director/Associate Regional Director. In addition, the Vice President Academic shall be notified by the Dean/Associate Dean; Regional Director/Associate Regional Director that mediation is being undertaken. Upon receipt of a request for mediation, the Dean/Associate Dean; Regional Director/Associate Regional Director shall schedule a mediation meeting **within ten (10) working days**.
- If the complaint involves a College employee other than an instructor, then either party can request mediation from the employee's immediate supervisor. Upon receipt of a request for mediation, the Supervisor shall schedule a mediation meeting **within ten (10) working days**.

### **Mediation:**

- Mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.
- The mediator has no advisory or determinative role in regard to the content of the dispute or the outcomes of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.
- The mediation process does not automatically replace any formal investigative process, but may be seen as a viable alternative particularly in cases where the appropriateness and possible success of an investigative process is in doubt. It is important to note that the mediation process may not be appropriate for all cases, in particular those involving financial or legal disputes.

### **Key elements of the Mediation Process**

1. Consensus - this process can only be used where both parties to the dispute wish to undertake a consensual rather than adversarial approach and are willing to participate. Any agreement reached is binding on the parties involved and precludes any party from pursuing the issue further.
2. Confidentiality –disclosures made during and outcomes of mediation proceedings will be confidential subject to any disclosure to third parties required under Federal and Provincial legislation or any College policies. Parties may agree to the disclosure of certain information.

3. Third Party Neutrality - it is essential that the mediator in this formal process is seen to be unbiased and neutral.
4. Flexibility - it is recognised that flexibility by the parties and the College will be needed. Though College policy will normally need to be followed, outcomes may need to be referred to the Vice-President, Community & Student Services for decision-making. There may also need to be flexibility in how the process of mediation is undertaken as aspects of gender and power imbalance may need to be addressed. In some cases shuttle mediation may be required (this is where the parties do not meet together, only singly with the mediator).
5. Role - The mediator does not have the power to make a determination in respect of a complaint, impose penalties or to direct the actions of staff, other students, or the student who made the complaint. Nor is it the mediator's role to represent the student or advocate the student's case. The mediator is to even-handedly facilitate discussion and fair resolution. The mediator may, however, suggest that the matter be referred to an appropriate official to negotiate an alternative means of satisfying all parties.

If mediation satisfactorily resolves the complaint, the Dean/Associate Dean/Regional Director/Associate Regional Director; Supervisor shall provide within five (5) working days from the date of the mediation meeting, a brief written summary of the resolution to the complaint to each party involved in the mediation process. The "Step 2" section of the Student Resolution Complaint form must be completed and distributed as indicated on the form.

### **STEP 3: FORMAL RESOLUTION STAGE**

**As noted earlier in this policy, it is expected that Step 3 of this Policy will be used on relatively rare occasions.**

**If a complaint has not been resolved at Step 1 and/or Step 2, the student may lodge a formal complaint.**

#### **Formal Resolution Steps**

1. The student shall provide a written submission to the President **within five (5) working days from receipt of the written summary of the mediation meeting**. This submission will include a summary of the information discussed in both Step 1 and Step 2 of the Informal Resolution Stage. **Electronic notification via email or instant messaging is not acceptable.**
2. The President will establish an ad hoc Student Complaint Resolution Committee to hear the complaint **within five (5) working days** of receipt of the student's written notification. This committee will consist of one (1) Student named by the Student Union, one (1) Counsellor named by the Vice President, Community and Student Services, one (1) Faculty Member named by the Vice President, Academic, one (1) Administrator

named by the President and one (1) Chair of the Committee named by the President – for a total of five (5) committee members.

3. The Chair will have a vote and will be responsible for ensuring that the members of the Student Complaint Resolution Committee are free of conflict of interest related to the complaint being heard.
4. The ad hoc Student Complaint Resolution Committee will **begin** hearings **within five (5) working days** of the establishment of the Committee. The Committee will interview and do such other research as it feels necessary to fully explore the appeal.
5. The Chair of the ad hoc Student Complaint Resolution Committee will advise the President **within two (2) working days** following completion of all hearings of the Committee's recommendation(s). A copy of the recommendations will also be sent to the Vice President, Community and Student Services along with the official record of the proceedings and all referenced documents.
6. The President will review the recommendation(s) and make a final judgment on the appeal. The President will communicate this final decision to the complainant and faculty/staff member in writing. A copy of this letter shall be provided to the appropriate Dean/Director **and** to the Vice President, Community and Student Services for the official Student Complaint Resolution file.

#### **Student Complaint Resolution Committee Procedure**

1. Each student may bring one support person to the Student Complaint Resolution Hearing. Support persons shall not participate in the proceedings unless called on by the Chair to do so. ***The support person must not be a legal practitioner.***
2. Should the complainant or respondent provide written witness statement(s), the Student Complaint Resolution Committee will ask for the participation of said witnesses at the hearing only if the Student Complain Resolution Committee requires clarification of the statement or has questions for a specific witness. Witnesses may be present at the hearing only when providing evidence or responding to questions from the Student Complaint Resolution Committee.
3. The Student Complaint Resolution Hearing shall proceed as follows:
  - a. An initial briefing and review of the complaint by the Committee members;
  - b. Presentation of the complaint by the student;
  - c. Presentation of information by the respondent;

- d. Subsequent re-examination of either party or any witnesses if required.
4. There shall be no representation by legal counsel during any stage of the Student Complaint Resolution process.
5. The Vice President, Community and Student Services shall be responsible to retain for seven **(7)** years a permanent Student Complaint Resolution file, containing the official record of proceedings, all referenced documents and a copy of the recommendation(s) made to the President. Students' documentation shall be returned to the student. Committee members' copies shall be returned to the College at the end of the hearing and shall be destroyed.

**Guidelines for the Student Complaint Resolution Committee**

1. The hearing shall be conducted in a fair and impartial manner.
2. Each complaint shall be considered independently and decided on its merits.
3. The Student Complaint Resolution Committee shall only consider matters and evidence relevant to the grounds of the complaint as set out in the student's written submission to the President.
4. All information reviewed and discussed during an appeal shall remain confidential.
5. The Student Complaint Resolution Committee may direct the parties to provide and produce additional material or witnesses directly related to the complaint.
6. The Student Complaint Resolution Committee may in its discretion offer recommendations to the President to enhance learning, practice, provision of services and the application of policy/procedure in the future. ***The decision of the Student Complaint Resolution Committee is final and binding.***

**Appendix 1**

**Grade and Clinical Appeal Policy: deals with appeals and concerns related to final course grades and clinical grade issues.**

**Standards of Conduct: Student Responsibility and Accountability: deals with concerns and appeals related to Academic Misconduct and Personal Misconduct.**

**Appendix 2**

***INITIAL CONTACT – Useful advice***

- Think about what it is that you are having trouble with.
- Maybe get everything down on paper as this helps you focus your thoughts and will help you to put your case later on.
- Talk about it with a friend confidentially. It helps put it into perspective.
- Always remember that, like yourself, the other party/parties involved in your complaint have rights which must be respected at all times. Disregarding the rights of the others involved will serve no purpose and may reduce the likelihood of a satisfactory resolution.
- You should feel free to approach any of the persons listed below, be it for confidential advice or just to find a friendly ear for your complaints:
  - Students' Union
  - Counselling and Advising staff
  - Advisor in the Aboriginal Resource Centre
  - Advisor in International Education
  - Appropriate Educational Administration
- It is always a good idea to record everything, even if it does not seem particularly important at the time. Every time something relevant to the issue occurs, take brief notes or just make notes in your diary.

**STUDENT COMPLAINT RESOLUTION FORM**

For complete information see the CNC Student Complaint Resolution Policy available on the College website – [www.cnc.bc.ca](http://www.cnc.bc.ca)

To receive consideration, the student must initiate the Informal Resolution procedures **within ten (10) working days** of the incident which led to the complaint.

**INFORMAL RESOLUTION**

**Step 1**

<b>Student Name:</b>		<b>Student I.D. Number:</b>	
<b>Staff Name:</b>		<b>Department/Division/Region:</b>	
<b>Location/Setting of Incident:</b>		<b>Date of Meeting (Staff Member &amp; Student):</b>	
<b>Outcome:</b> <input type="checkbox"/> Complaint resolved <input type="checkbox"/> Complaint not resolved <input type="checkbox"/> Complaint withdrawn: Student's Signature: _____			
<b>Comments (Attach additional information as necessary):</b>			
<b>Signature of Student:</b>		<b>Date:</b>	<b>Signature of Staff Member:</b>
The staff member and the student must complete this form. The staff member is to provide a copy of the form to the student, keep a copy and forward the original form to the Dean/Director/Regional Director/Supervisor.			
If the complaint is not resolved at Step 1, then either party can request mediation – see the Policy on the website for details.			

**Step 2**

<b>Student Name:</b>		<b>Staff Name:</b>	
<b>Dean/Director/Regional Director/Supervisor:</b>		<b>Date of Mediation:</b>	
<b>Outcome:</b> <input type="checkbox"/> Complaint resolved <input type="checkbox"/> Complaint not resolved <input type="checkbox"/> Complaint withdrawn: Student's Signature: _____			
<b>Comments (Attach additional information as necessary):</b>			
<b>Signature of Student:</b>		<b>Date:</b>	<b>Signature of Staff Member:</b>
<b>Dean/Director/Regional Director/Supervisor:</b>		<b>Date:</b>	
All parties are to sign and a copy provided to the student, the staff member and the President. The original kept by the Dean/Director/Regional Director/Supervisor.			
If the complaint is not resolved at Step 2, then the student can choose to proceed to FORMAL RESOLUTION – see the Policy on the website for details.			