



Policy	#3-31
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Administrator Responsible:	Executive Vice President, Academic

STUDENT COMPLAINT RESOLUTION

POLICY STATEMENT

North Island College supports the need for students to have their complaints addressed in a timely manner with a process that is transparent and unbiased and is in accordance with procedural fairness.

PURPOSE STATEMENT

The purpose of this policy is to provide a process for addressing student complaints. Students may use this policy to challenge a grade, a decision or an action that is believed to be unfair.

SCOPE AND APPLICATION

This policy relates to student complaints with the exception of those related to Human Rights (Policy #2-08) Sexual Violence and Misconduct (Policy #3-34), Community Code of Academic, Personal and Professional Conduct (Policy #3-06), and Instructional Accommodation and Access Services for Students with Disabilities (Policy #3-17).

PRINCIPLES

1. Students and employees are expected to resolve matters of concern through dialogue with the respondent.
2. Student complaints will be heard in accordance with the principles of procedural fairness and conflict resolution as outlined in the procedures of this policy.
3. Student complaints and concerns will be heard in a timely manner.

DEFINITIONS

Anonymity:

Withholding of one's name.

Assistants:

Persons recommended or requested by any involved party to assist students understand process and discussions. This may include, but not limited to language translators and sign language interpretation, cultural advisors, or any other support deemed appropriate by the Complaint Advisor. Assistants are not advocates and do not participate in the discussion nor decision-making part of the process. They are expected to clarify the discussion to the student.

College Community:

Employees and students of NIC including contractors and others who have committed to an agreement with the College to provide services or become learners.

Complaint Advisor:

The director of student affairs, or designate, who facilitates the complaint process for all parties, facilitates conversations and conducts investigations as necessary.

Confidentiality:

Non-disclosure of particular information.

Investigation:

Review and fact-finding process conducted by the complaint advisor to ensure that the relevant information is provided as necessary throughout the process.

Principles of Natural Justice include:

- i. *audi alteram partem* "listen to both sides" - any person who is being accused of something has the right to know the accusation and must be given a reasonable opportunity to respond to the accusation, to offer rebuttals and to provide counter evidence.
- ii. *nemo iudex* rule – no person shall be a judge in their own case, and every person has the right to an unbiased and independent decision maker.

Procedural Fairness:

A term used alternatively with natural justice to describe process conditions that are fair, transparent and in compliance with the *audi alteram partem* and *nemo iudex* rules.

Respondent:

The person against whom the complaint is filed and who is responsible for engaging in the process. In the case that the complaint is regarding a policy or department, the associate vice-president, student services and registrar will identify the respondent responsible for that area.

Support Person:

A person present during resolution meetings at the request of either party.

Student:

A person the registrar recognizes to be enrolled in or applying to be enrolled in a course or program of studies at the College.

GUIDELINES

1. The complaint advisor will assist with the complaint process when and where needed as an unbiased guide to the process. The complaint advisor may become involved at any point during these processes to assist and provide advice as necessary and/or as requested by students and/or employees.
2. In all cases it is expected that every effort will be made to resolve issues through dialogue.
3. A student with a complaint about College employees, instruction, grading, program content or services will be expected to articulate the concerns to the individual involved in person or in writing.
4. When the student is unable to directly contact the involved party (for reasons of intimidation, health, scheduling, etc.), or vice-versa, the complaint advisor may be called on to facilitate the discussions and will ensure the respondent is aware of the allegations. In some cases, the complaint advisor may have these discussions independent of the student.
5. Except in cases where the instructor and department chair determine there may be an unmitigable risk to safety or other disruptions that may occur in the teaching and learning environment, a student will be expected to continue with his or her courses, practica or other related educational activities pending the outcome of the complaint process.
6. A student will have assistants available as requested or as recommended by the complaint advisor to assist with comprehending process and discussions. Assistants may include, but are not limited to, sign language interpreters, cultural advisers and translators.
7. The student may withdraw the complaint at any time. In such cases, the matter will be deemed resolved and further complaints on the same case will not be accepted.
8. The complaint process will be confidential for all parties; however, anonymity cannot be guaranteed. Information will be shared and protected in compliance with the Freedom of Information and Privacy Act (British Columbia).
9. Concerns not resolved through this process may proceed through to appeal via the Student Appeal Policy #3-30.

Limitations

This policy only applies to student complaints and not decisions or processes following an appeal.

Legal counsel is not normally present at this level.

Resources

The National Center for Higher Education Risk Management (NCHERM) Group, LLC

Systems-level solutions for safer schools and campuses. A Developmental Framework for a Code of Student Conduct. 2013

Legislative and Collective Agreement References

Freedom of Information and Privacy Act (British Columbia)

Cross References

Community Code of Personal and Professional Conduct Policy #3-06

Instructional Accommodation and Accessible Learning Services Policy #3-17

Human Rights Policy #2-08

Sexual Violence and Misconduct Policy #3-34

Student Appeal Policy #3-30

APPENDIX A Procedures

The director of student affairs, or designate, will assume the role of complaint advisor.

A complaint may involve such things as grading and evaluation, application of college policies, or perceived unethical conduct.

Also see procedural flowchart below. Note that dates stated below are normally the maximum number of days at each stage.

Stage 1 Student seeks Resoultion through Dialogue with the Concerned Party

- Step 1 The student initiates the complaint process normally within **ten (10) business days** of receiving the grade, decision, or action pertaining to the complaint by contacting the concerned party.
- Step 2 In the event that the issue is not resolved at Step 1, or if the concerned party (or parties) has/have not responded within **five (5) business days** of the student's initial contact, the student is normally expected to, on the **next business day** notify the department chair or immediate supervisor and advise the instructor in writing that the issue will be brought forward to the instructor's department chair, employee's immediate supervisor, or, in other matters, the responsible administrator. When the instructor is the department chair, the matter will be referred to the dean/director if not resolved.
- Step 3 If the issue is not resolved, or if the concerned party (or parties) has/have not responded, the student should, within the next **five (5) business days**, discuss the matter further with the next supervisory level*, assuming this is no more senior than a dean/director.

* In course-related matters, the normal progression is instructor, department chair, dean/director or designate.

Stage 2 Student seeks Resolution of the Matter with the Dean/Director

- Step 1 The dean/director will investigate and will normally provide a final decision to the complainant within **ten (10) business days** of receiving the complaint. In complex or exceptional cases where this timeline cannot be met, the dean/director will provide a written acknowledgment of receipt of the complaint within **five (5) business days**, and will describe the process and expected timeline for the final decision and will copy the complaint advisor. At the conclusion of the investigation, the dean/director will write a letter to the complainant which describes and concludes the outcome of the complaint process, with a copy to the registrar for the student record, the complaint advisor and respondent as permissible.

Procedural Flow Chart

