

PROCEDURES

TITLE: Student Code of Conduct: Complaints Procedure	Number: SC 101B - 07
	Date of Implementation: Sept. 2007

Complaint Process

i) Overview

Dealing with a complaint under the Code

This procedure addresses complaints brought against students arising in non-academic contexts. Informal and formal processes are in place to assess and deal with complaints. The College encourages the informal resolution of disputes, which may be achieved with or without the assistance of the Student Relations Office. At any point during the informal process, the person handling the complaint may consult with the Student Relations Office or may refer the matter to the Student Relations Office.

Allegations of student misconduct in an academic setting (e.g., the classroom, examination room, placement setting, etc.) should be dealt with through the Program Chair. Complaints of harassment and discrimination against students will be handled under the Harassment and Discrimination Prevention Policy and Procedures.

In most instances, it is reasonable to assume that disputes will be resolved without invoking the provisions of the formal procedures of the Code outlined below. However, where a formal process is considered necessary, complaints should be referred first to the Student Relations Office for the necessary action with the following exceptions:

- Where the complaint concerns allegations of sexual harassment, the Sexual Harassment Office will be involved.
- All cases involving violence are to be referred first to the Department of Safety and Security as per the Violence Prevention Policy. The Dean of Students must be informed promptly in cases deemed an emergency.

Breaches to the Student Code of Conduct may be investigated independently by the College and external agencies, such as the police. The College may choose to continue to pursue a matter under the Code regardless of the actions of external agencies, including police.

ii. Role of the Student Relations Office

The Student Relations Office responds to conflicts between students, and between faculty/staff members and students that arise in a non-academic context. A key member of this Office is the Conflict Coach whose services include:

- advice to students, faculty and staff on the complaints process
- interpretation of the Code
- assistance with defining the issues

Originating Dept.: Student and Community Engagement	Date Issued:	Approved by:	Approval Date:	Page 1 of 4
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- coaching students to improve communication and problem solving skills
- coaching students on how to navigate the College system
- receiving and acting upon complaints against students (including human rights complaints)
- referrals to other offices (eg. Sexual Harassment Office, Academic Programs)
- mediating issues, where possible
- providing a neutral forum for parties to discuss issues
- resolving disputes in informal processes
- imposing sanctions, where appropriate
- assisting students with processes involving other Policies or offices (such as a complaint a student may bring against a faculty/staff member).

The Conflict Coach can also serve as a resource for and consultant to academic and administrative offices to assist in developing responses to troubling student behaviour that arise in academic or administrative contexts.

A. Types of Conflict Situations

iii) Where a faculty or staff member has a conflict with a student:

1. If the complaint or dispute has arisen in an **academic** context (i.e., the classroom, examination room, placement setting, etc.), the academic manager(s) is the first point of contact in resolving the issue as per applicable policies (e.g., Academic Honesty, Disruptive Behaviour in the classroom, etc.). The Student Relations Office can be consulted for advice.
2. If the complaint or dispute has arisen in an administrative unit, the presiding manager of the unit must be informed. The manager will consult with the Student Relations Office as deemed necessary or for advice.
3. For complaints against student conduct of a non-academic nature, the Student Relations Office is the primary contact.

iv) Where a dispute exists between students:

1. The complaint is made to the Student Relations Office by either or both students.
2. The Conflict Coach will attempt to understand the situation and assess whether the complaint can be resolved informally.
3. The Conflict Coach may refer the complaint to another Policy or process as appropriate, seek to find a resolution directly with the parties, or initiate formal proceedings under this Code.
4. Complaints of a serious nature will result in formal proceedings. Examples of complaints of serious nature include but are not limited to uttering threats, charges of violence or attempted violence, charges of sexual harassment, charges of discrimination, or behaviours considered a crime under the criminal code. . Complaints and/or incidents of violence will be handled under the Violence Prevention Policy. Complaints of harassment and discrimination will be handled under the Harassment and Discrimination Prevention Policy and Procedures

v. Where a student has a conflict with a faculty or staff member:

1. If the complaint or dispute has arisen in an **academic** context (i.e., the classroom, examination room, placement setting, etc.), the academic manager(s) is the first point of contact in resolving the issue as per applicable policies (e.g., Academic Honesty, Disruptive Behaviour in the classroom, etc.). The Student Relations Office can be consulted for advice.

2. If the complaint or dispute has arisen in an administrative unit, the presiding manager of the unit must be informed. The Student Relations Office may be consulted by either parties for advice.
3. In complaints against faculty or staff conduct of a non-academic nature, the Student Relations Office will refer the student to the appropriate process and may provide a facilitative or advisory role.

B. Process

In general, anyone with a complaint against a student, based on a breach of this Code, should contact the Student Relations Office to seek advice. The guiding principle followed is one of “procedural fairness” meaning a range of rights and procedures which guarantees fairness, including the right to be heard and the right to a fair decision. The method used to determine if there has been a Code violation will be a “balance of probabilities”, meaning that the person making the decision must find that it is more probable than not that a contested fact exists.

Informal Process

If a conflict involving students may be the result of a misunderstanding or where the Conflict Coach feels that the conflict can be resolved through communication, an informal process may be initiated. This may involve speaking with the parties separately first and then bringing together all parties to the dispute to help them identify and evaluate options for resolution.

Resolution could involve the following:

- i. **Complaint dismissed because there was no breach of Code.** Where there is no breach of Code, the complainant and respondent shall be notified in writing.
- ii. **Informal Mediation (Conflict Coach as mediator)**
- iii. **Applying one or more of the following** and providing written notification as such to the complainant and respondent:
 - Reprimand
 - Warning (verbal or written)
 - Apology to the respondent (verbal or written)
 - Behavioural contract
 - Restitution – including replacement of damaged property
- iv. A report of findings will be made to the Dean of Students to approve recommendations for resolution

Formal Process

Procedure

a) If the complaint cannot be resolved through the Informal Process or if the complaint is of a serious nature, the complaint must be in writing and must include the name and contact information of the person filing the complaint (the complainant), and witnesses, if any; the nature of the complaint, and where possible the resolution sought.

Most formal complaints against students will be handled initially by the Student Relations Office. A complaint of sexual harassment will be the responsibility of the Sexual

Harassment Office, while charges of violence or potential violence and other emergency situations will be referred to Safety and Security. The process for handling complaints of harassment and discrimination can be found in the Harassment and Discrimination Prevention Policy and Procedures.

b) The person who the complaint is being filed against (the respondent) will be notified of the complaint and be provided a copy of the complaint, including the name of the complainant. The respondent will be given a ten (10) days to respond to the complaint. The response must be submitted in writing to the Student Relations Office, along with the names and contact information of any witnesses.

c) The Student Relations Office, Sexual Harassment Office, or Safety and Security will conduct a preliminary review, which may involve speaking or meeting separately with the complainant and the respondent and will decide whether the complaint should be for minor or major incidents.

For minor incidents:

- v. **Complaint dismissed because there was no breach of Code** Where there is no breach of Code, the complainant and respondent shall be notified in writing.
- vi. **Informal Mediation (Conflict Coach as mediator)**
- vii. **Applying one or more of the following** and providing written notification as such to the complainant and respondent:
 - Reprimand
 - Warning (verbal or written)
 - Apology to the respondent (verbal or written)
 - Behavioural contract
 - Restitution – including replacement of damaged property
- viii. A report of findings will be made to the Dean of Students to approve recommendations for resolution

For major incidents:

In cases of serious breach, discipline may be imposed on an interim basis while a formal investigation is taking place. Discipline for serious breaches may include an emergency suspension, for up to 60 days, imposed by the Department of Safety and Security or the Dean of Students.

- ix. **Formal mediation using a College designated/appointed mediator or other appropriate dispute resolution mechanisms.** If both parties agree, formal mediation or dispute resolution mechanisms may be pursued. If the matter is resolved, the mediator or facilitator will send a written copy of the resolution to the parties involved, with a copy to the Student Relations Office.
- x. **Further investigation by a College designated/appointed investigator.** If the matter is assigned to an investigator, that person, upon completion of the investigation, will forward the investigative report to the Dean of Students. The Dean of Students will review the report, and can find a student in breach of the Code, and assign penalty. If the Dean's decision is to recommend suspension or expulsion, this will be referred to the Vice President Student and Community Engagement who will appoint a Committee to hear the case. The respondent will be notified in writing with copy to the Student Relations Office.

Copies of the investigator's report will be sent to the complainant and the respondent.

I. Record-keeping

A record of decisions and all corresponding documents will be retained by the Student Relations Office and does not become part of the student's academic file. Only in cases where breach of this Policy has been determined, can such prior breaches be accessed. Access to prior breaches will be obtained from the Student Relations Office by the student's home School (Chair or Dean) or, in the case of a hearing, the Office of the Vice President Student and Community Engagement. Past conduct and/or sanctions may influence the application of any new sanction(s).