



Board Governance Policy Manual

POLICY CATEGORY: GOVERNANCE/ BOARD PROCESS

POLICY NUMBER: B08

POLICY TITLE: COMPLAINT PROTOCOL

EFFECTIVE: SEPT 12/ 12

REFERENCE (MOTION): 374.C.8.1 (EST. OCT. 2005)

BACKGROUND

A formal complaint arises when an allegation is made by a student, staff or a member of the public that the College is not acting in accordance with the established statutory and policy framework. This policy is intended to:

- enable the Board to exercise a standard of reasonable care and due diligence consistent with its duties and statutory obligations;
 - protect the legitimate rights of the complainant and the respondent;
- ensure compliance with the statutory and/or policy framework governing the College;
- protect individuals and the College from trivial or vexatious complaints or those that may have been made in bad faith;
 - establish a consistent procedure for resolution of formal complaints.

POLICY STATEMENTS

1. Formal complaints must be signed and accompanied by relevant documentation to establish the foundation of the complaint.
2. The Board will not consider formal complaints where it does not have delegated and specific jurisdiction. (The remainder of this Policy applies only to those complaints determined to fall within the Board's jurisdiction.) Determination of jurisdiction will be accomplished through examination of relevant statutes and policy; collective agreements; terms and conditions of employment; and any other applicable policies or regulations.

The Board will not consider anonymous complaints under any circumstances.

3. **Confidentiality:** All complaints will be held in strictest confidence except where disclosure is required by law or to effect rules of natural justice. The respondent (the object of the complaint) will be informed of who has made an allegation and the foundation of the allegation. Investigation of a formal complaint may require

disclosure of the identity of the complainant to third parties, who will also be required to uphold strict confidence.

Withdrawal: A complainant may request withdrawal of a formal complaint at any stage in the process and this request will be considered by the Board.

5. **Time Limit:** All formal complaints made to the Board must be made within twenty (20) working days of the date when the circumstances which have given rise to the formal complaint have come to the attention of the complainant. The Board may extend this limitation under extenuating circumstances judged by the Board to be substantive.
6. **Resolution in Writing:** Resolution of the formal complaint will be documented in writing to the complainant and referenced in the minutes of the Closed portion of the Board meeting.
7. **Trivial, Frivolous or Vexatious Complaints:** Trivial, frivolous or vexatious complaints made in bad faith will result in a sanction against the complainant including but not limited to a summary dismissal of the complaint. The nature and severity of the sanction will be determined based on the seriousness and impact of the complaint.
8. **Document Retention:** Subject to the provisions of the *Freedom of Information and Protection of Privacy Act*, records of the formal complaint will be held in strict confidence by the Board Secretary*. (Note: As per ByLaw No. 1, the Vice President General Counsel & Public Affairs is the Board Secretary.)
9. **No Reprisal:** Both the complainant and the respondent have a right to be free from reprisal or threat of reprisal as a result of filing or responding to a formal complaint. See Whistle Blower Policy.

Nature of Board's Jurisdiction For Considering Complaints

In determining whether to consider a complaint, the board shall be guided by the following two principles:

- a. The Board shall only deal with matters when all established procedures of the College relating to the allegation at issue have been exhausted.
- b. The purpose of the Board's review of a complaint is not to re-litigate the matter on its merits but to determine whether the appropriate college procedures were properly adhered to as it relates to the matter at issue.

Complaint Procedure

10. The complainant must submit a formal, written complaint, signed and dated, and including relevant documentation to the Board Executive Assistant, who will forward it to the Board Chair and the Governance Committee. A copy will be provided to the respondent or to the whole Board of Governors if it is a formal complaint against the Board. The complainant will also be provided with a copy of this policy. In all instances, the Board will be advised in the Closed portion of the next available

meeting, or by mail or email if there is greater than one month between meetings that a formal complaint has been forwarded.

11. The Governance Committee will determine if the Board has jurisdiction. If the decision is reached that the Board does not have jurisdiction, the Chair will inform the complainant and respondent in writing within fifteen (15) working days of that decision.

If the Governance Committee decides that the Board has jurisdiction, the Governance Committee will determine if the complainant has exhausted all other remedy available through the collective agreements, terms and conditions of employment, and/or all relevant legislation or policy. If it is determined that the complainant has not exhausted existing opportunities for remedy, the Chair will ask the President to inform the complainant and the President, and/or his/her designate will provide the complainant with relevant information concerning existing channels for remedy.

12. If the Governance Committee determines that the formal complaint is to proceed, the following steps will be taken:
 - The complaint will be reviewed and all relevant information necessary to consider the complaint will be gathered. The Governance Committee has the right to determine the need for a formal meeting with the complainant and/or the respondent.
 - After careful consideration of the complaint, the Governance Committee will provide a recommendation to the Board.
 - The Board will make its determination at the next scheduled meeting, and notify both the complainant and the respondent in writing of that decision no more than ten (10) working days after the disposition of the matter by the Board.

These steps will be completed as expeditiously as possible, and no later than 90 days after notification of the decision to proceed with the complaint. The decision of the Board to proceed with the complaint cannot be appealed.

13. The Governance Committee and/or the Board can extend any time frame, at its discretion, and the parties will be notified immediately of this extension.
14. The *Statutory Powers Procedure Act* does not apply to any proceeding under this Policy.

MONITORING

The Board will monitor handling of all instances of complaint to ensure compliance with statutory requirements and protocols outlined in this policy.

POLICY REVIEW DATE:

FEB. 10/10

NEXT REVIEW – 2014/2015