



STUDENT COMPLAINT POLICY (CONCERNING EMPLOYEE CONDUCT OR PERFORMANCE)

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| Policy Area: | Administration | | |
| Policy Number: | SCEPL_2211R_AD/VPCR | | |
| Policy Sponsor: | Vice President, Enrolment and College Relations | | |
| Policy Contact: | Executive Assistant to the Vice President, Enrolment and College Relations | | |
| Stakeholders: | Students and Employees | | |
| Authority: | <i>College and Institute Act</i> | | |
| Approval Authority: | Executive Team | | |
| Approval Date: | November 2, 2022 | | |
| Effective Date: | November 2, 2022 | | |
| Replaces: | (2008) Student Complaint Policy Concerning Employee Conduct or Performance | | |
| Last reviewed: | August 2023 | Scheduled review date: | September 2027 |

Procedures: *Procedures for Student Complaints or Concerns*

1. Policy Statement

Okanagan College is committed to providing high quality academic programs and support services, maintaining a healthy student environment and continuously improving the student experience through receiving and responding to concerns and complaints from students.

2. Purpose

The purpose of this Policy is to establish the parameters to review and respond to student concerns and complaints not addressed by other policies and procedures.

3. Scope and Application

- 3.1 This Policy applies to Employees of the College while engaging in College-related activities.
- 3.2 This Policy applies to the delivery of academic, administrative and support services.
- 3.3 The Policy does not apply to incidents addressed by other policies including, but not limited to, the *Employee Discrimination, Bullying and Harassment Policy*, the *Sexual Violence and Misconduct Policy*, the *Violent and Threatening Behaviour Policy*, nor to *Academic Policies* such as *Grade Appeals*.

- 3.4 This policy does not apply to course content. Issues related to course content are governed under *Academic Policies*.
- 3.5 If a Complaint made under this policy involves a bargaining unit employee as the Respondent, and if the terms of their collective agreement apply to the circumstances, the collective agreement provisions will prevail as appropriate, unless otherwise agreed by the College and the applicable union.
- 3.6 Any reference to a position in this Policy includes any person that may be named as a designate to that position.
- 3.7 A Complaint should be made as soon as possible, but must be made no later than six (6) weeks after the last incident alleged in the Complaint.

4. Definitions Used in this Policy

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| Campus | Means any buildings or lands owned or occupied by OC. |
| College-Related Activity | <p>Means an activity occurring on College property (including in Student Housing), at College sanctioned events or conducted under the authority of the College. To be a College-Related Activity the activity must have a real and substantial connection to the College, or College-related functions, whether the activity occurred on College property, in person or online.</p> <p><i>In exceptional circumstances, incidents which do not occur on College property, or at College sanctioned events and are not conducted under the authority of the College may still be found to have a substantial connection to the College where they adversely affect the complainant's course of learning, teaching, or work, and may fall within the scope of this policy.</i></p> |
| Complainant | Means the person who seeks recourse under this Policy based on a belief that they have witnessed or experienced conduct which is prohibited by this Policy. The College may act as a Complainant in appropriate circumstances. |
| Complaint or Concern | Means a statement of alleged facts made by a Complainant seeking recourse under this Policy. |
| Conflict of Interest | <p>Means any situation where an employee has Personal Interests, whether direct or indirect, that are in conflict, potentially in conflict or could result in the reasonable perception of a conflict, with the interests of the College. This includes, but is not limited to, situations where the independence, impartiality and interest objectivity the employee is obliged to exercise in the performance of their duties and responsibilities could be compromised. A Conflict of Interest can occur in three ways:</p> <p>1) an actual conflict of interest refers to a situation where an employee takes some action or exercises a power or performs a duty or responsibility, and in doing so, there is the opportunity to further the employee's Personal Interests;</p> |

- 2) a potential conflict of interest refers to a situation where an employee's Personal Interests could influence the exercise of the employee's actions, power or performance of their duties or responsibilities to the College;
- 3) a perceived conflict of interest refers to a situation where an informed person might reasonably hold an apprehension that a conflict of interest exists on the part of the employee in relation to a Personal Interest. A perceived conflict of interest is determined by the perception of a reasonable person (a hypothetical member of the public) who is reasonably well informed.

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| Employee | Means any person employed by (or who has an appointment with) the College. |
| Office of the Vice President, Enrolment and College Relations | Means the Vice President, Enrolment and College Relations and their direct reports involved in administration. |
| Respondent | Means the person against whom an allegation has been made under this Policy. |
| Student | Means any person enrolled as a Student at Okanagan College. |

5. Principles

Reporting a Concern or Complaint (also see [Procedures for Student Complaints or Concerns](#))

- 5.1 Students with a Concern or Complaint are strongly encouraged to express the Concern through an informal process by discussing the Concern or Complaint directly with the Employee whenever possible.
 - a) Students who approach an Employee to express a Concern or file a Complaint are expected to:
 - i) State their concern clearly, honestly and professionally;
 - ii) Respect confidentiality;
 - iii) Demonstrate a genuine interest in finding a resolution.
 - b) Employees who are approached by a Student who is expressing a Concern or filing a Complaint are expected to:
 - i) Be approachable;
 - ii) Gather all relevant information;
 - iii) Respect confidentiality; and
 - iv) Work to resolve the Concern or Complaint to the degree possible within the scope of their responsibilities.
- 5.2 A Student may submit a written Complaint as defined within the scope of this Policy, at any time. A form can be accessed at the following link: [Complaint or Concern Form](#).

Prohibited Conduct

- 5.3 Retaliation against anyone who, in good faith, files a Concern or Complaint, or who participates in a review of a written Complaint is strictly prohibited.
- 5.4 Complaints that are frivolous, vexatious, malicious or otherwise made in bad faith are strictly prohibited.

Complaints

- 5.5 Where a Complainant does not consent to the disclosure of their identity, the College may deny the Complaint or delay the Complaint investigation until and if the Complainant consents to disclose their identity. Complaints will be closed if an investigation has not been initiated within six (6) months of the initial filing of the complaint.
 - a) The College's ability to act upon an anonymous Complaint is very limited. The College will consider anonymous Complaints for the purpose of determining whether there is evidence of a significant risk to the health or safety of Students and whether an investigation is required and possible.
- 5.6 A Complaint may be denied at any time if the Complainant discontinues participation in the process of the investigation.
- 5.7 Representatives of the College who are responsible for reviewing Complaints must not be in a Conflict of Interest in relation to the Complainant, Respondent or the subject matter of the Complaint.
- 5.8 After receiving the Complaint, the Office of the Vice President, Enrolment and College Relations will inform the Complainant of the procedures under this Policy.
- 5.9 If the Vice President, Enrolment and College Relations determines, after consultation, that the Complaint was filed beyond the time limit set out in the Policy, or is frivolous, vexatious, or brought in bad faith, then Vice President, Enrolment and College Relations will advise the Complainant of this determination and the Complaint will be considered resolved.
 - a) If the Complaint does not fall within the scope of the Student Complaint Policy, but within a different policy, the Vice President, Enrolment and College Relations will guide the Complainant to the applicable policy.
 - e.g. If a student has made a complaint of Discrimination, Bullying or Harassment under the Student Complaint Policy, the applicable Associate Dean, Director, Dean, Registrar, Associate Vice President or Provost will make the initial assessment and will consult with the Associate Vice President, People Services as necessary. If the Complaint cannot be resolved through the Student Complaint Policy, a decision may then be made to proceed with an investigation under the Employee Discrimination, Bullying and Harassment Policy.
- 5.10 If a Complainant or Respondent believes that the Complaint has not been dealt with fairly, the decision was unfair, or if a written response has not been received, the Complainant or Respondent may file an Appeal.

6. Roles and Responsibilities

- 6.1 The Vice President, Enrolment and College Relations Office is responsible for:
 - a) Receiving Complaints.
 - b) Determining if the Complaint falls within the Scope of this Policy.

- c) Distributing to the appropriate Supervisor for investigation.
- d) Tracking closure of the Student Complaint procedures according to the stated timelines.
- e) Receiving Appeals and distributing to the appropriate Vice President.
- f) Maintaining records of Complaints, procedural outcomes, and Appeals.

6.2 The Supervisor to whom the Respondent reports is responsible for implementing the *Procedures for Student Concerns or Complaints*.

6.3 The Vice Presidents are responsible for reviewing Appeals of Supervisor decisions.

7. Academic Accommodations

7.1 A Student who has filed a formal Complaint may require an academic accommodation (for example, exam deferral, an extension on an assignment, withdrawal from a class, relocation of studies to another campus or from home, etc.).

7.2 Accommodations will be determined by the Dean of the program in which the student is registered with the consent of the Student, and in consultation with the Vice President Academic, Registrar, and Dean of Students. Accommodations are individual and determined by the circumstances and the Student's specific needs.

8. Related Acts and Regulations

None.

9. Supporting References, Policies, Procedures and Forms

Forms

Complaint or Concern Form | (print) or (online)

Complaint or Concern Appeal Form

Fairness Checklist for Manager or Administrator (provided to the Supervisor receiving the complaint)

Policies and References

Employee Discrimination, Bullying and Harassment Policy

Sexual Violence and Misconduct Policy

Violent and Threatening Behaviour Policy

Grade Appeals Policy

History / Revisions

| Date | Action |
|------------|--|
| 2023-08-23 | Reviewed. <i>Non-substantive update: job titles of Leadership Council and administrators.</i> |
| 2022-11-02 | <i>Revision Approved by Executive Team:</i> Student Complaint Policy Concerning Employee Conduct or Performance |
| 2008-03-10 | <i>Approval by President:</i> Student Complaint Policy - Concerning Employee Conduct or Performance |