
Student Issues and Complaints

Policy Number:	1313
Key Process Area:	Student Development
Owner:	VP AR
Current Approved Date:	September 28, 2021

POLICY STATEMENT

The New Brunswick Community College (NBCC) is committed to ensuring all teaching and learning experiences are of the highest quality while maintaining a focus on students' best interests. Students shall have the right to voice issues and concerns regarding their experience at NBCC and work in conjunction with the College to arrive at a respectful resolution.

PURPOSE

This policy serves to voice issues and complaints that arise in conjunction with College policies, members of staff, fellow students, or the overall student experience at NBCC without fear of reprisal, in a timely, constructive, and confidential manner.

SCOPE AND LIMITATIONS

This policy applies to full-time and part-time students, including online students, who are currently enrolled in a course or program at NBCC, and former students who were enrolled in a course or program when the alleged incident(s), resulting in the complaint occurred.

All employees of the College who deal with a complaint shall respect the student's right to confidentiality. Similarly, the rights of a person who is the subject of a complaint, including their right to confidentiality, will be respected. Note that confidentiality is not synonymous with anonymity. A complaint must be made within fifteen (15) days of the incident(s) giving rise to the complaint except in extenuating circumstances which, in the opinion of the College, would justify an extension.

1.0 DEFINITIONS

Administrator(s): Academic Chair responsible for the program or course, or a Manger of Student Development.

Anonymity: Allows the name of the complainant to be withheld. However, a student reporting a complaint to a College employee should understand that while every effort will be made to ensure confidentiality, the College cannot investigate or follow up on an anonymous disclosure.

Bullying: Unwanted, repeated, aggressive behavior usually intended to control another person's behaviour.

Complainant: The person who brings forward information that a potential violation of NBCC's policies may have occurred OR who brings forward information expressing dissatisfaction with their learning/teaching experience, College services, its employees, or other students.

Complaint: The expression either in writing or oral of the student's dissatisfaction with the learning/teaching experience, the College services, its employees, or other students.

Confidentiality: The process of strict privacy guiding the College's response to a complaint. A student's name and disclosure are known, but only to those who need to know in order to help resolve the complaint/or provide support as per the student's request.

Discrimination: The unjust or prejudicial treatment of others based on aspects of identity.

Formal Complaint: Written submission of issue(s) by complainant(s) for resolution/response by respective manager.

Former student: Any student who is no longer actively enrolled at NBCC.

Graduate: Students in a program who received a Certificate, Diploma, Diploma of Advanced Studies, Graduate Certificate.

Harassment: Any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offense or humiliation to another person, or adversely affects the person's health and safety. It also includes harassment within the meaning of the Canadian Human Rights Act (i.e. based on race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability, etc.)

Hazing: Forcing a person to engage in behaviour that is harmful or an affront to one's dignity, and atypical of an individual's normal behaviour, for them to belong to an organization, team or group. Due to the peer pressure involved in hazing, consenting to a behaviour does not exclude the perpetrators of the behaviour from being held in violation of this Policy.

Informal Complaint: Complainant addresses issue directly with the other person(s) involved.

Learning Environment: The physical and virtual space where learning takes place including but not limited to classrooms, hallways, common areas, labs, digital learning resources like Brightspace, practicum locations, all social media platforms, and other spaces on campus.

Mediator: An impartial third party who assists disputing parties in resolving conflict.

Respondent: A person who is named in a complaint, who has alleged to have caused harm or violated an NBCC policy.

Sanction: Binding requirements that a student must follow resulting from Student Assessment Meetings.

Student: For the purposes of this Policy, a person is considered a 'student' from the moment they are enrolled in a program or course until they have graduated or completed.

Student Support: A person who clarifies policies and processes as well as provides assistance to the student as they navigate through the formal complaint procedure.

Threats: The communication of a direct or implied intent to do physical, emotional, or reputational harm to a person, group, or property.

Violation: Behaviour that is contrary to one or more of the rights, or negligent of one or more of the responsibilities, listed in NBCC Policies.

Violence: An act involving physical force intended to intimidate or harm, including physical contact or aggressive behaviours like shouting or gestures.

Working Days: Monday to Friday excluding public/stat holidays.

2.0 IMPLEMENTATION

The complaint process begins with the informal complaint procedure. All students are encouraged to seek resolution of complaints by addressing the issue directly with the person involved as soon as possible. A student may choose to have a member of the NBCC community assist them with the informal process/resolution. If this is not sufficient to resolve the complaint, the complainant has the option to file a formal complaint.

Where a complaint is against an individual, it is the right of the student to seek an informal resolution through the various levels of supervision in the department or Academic School involved.

Where a number of students in the same class or program have the same concern, the matter should be raised with the Coordinating Instructor before proceeding with a formal complaint.

A group of students may delegate one or more of its members to voice a complaint on their behalf. However, no one shall initiate a complaint on behalf of another person or persons without the written permission of the person(s).

The College has a number of policies dealing with specific types of complaints, including Sexual Violence Policy (1308), Maintaining a Respectful Community Policy (4202), and Student Code of Conduct Policy (1102). These are listed at the end of this policy. If students are unsure under which policy, they should launch a complaint or if they require help to initiate the process, they can consult with any Manager of Student Development or Counselling Services.

Complaints can be addressed using an informal and/or a formal procedure. Whenever possible, an informal resolution should be attempted before initiating a formal complaint. If the complainant believes that the issue has not been (or cannot be) adequately addressed informally, they can approach a Manager of Student Development to be directed to the **Formal Complaint Form**, or download it directly from NBCC.ca.

Timelines for the College's responses to complaints, as set out in the procedures within the policy, are those to which the College expects normally to be able to adhere. It is anticipated, however, that there may be occasions when it is not feasible for a full and thorough investigation to be carried out within those normal timescales and when a longer period of time is therefore required. These may include, but are not restricted to:

- Periods when NBCC is closed (e.g. Statutory Holidays and the Christmas/New Year period);
- Periods when key staff are absent from the College due to work commitments, scheduled or unscheduled leave, sickness, or other good reason;
- Particularly complex issues of complaint;
- Issues of complaint which are related to other on-going procedures which may need to be completed before the complaint can be fully addressed (e.g. disciplinary matters, legal proceedings).
- Where it is apparent that the stated deadlines cannot be met, the student will be informed at the earliest opportunity at which an indication of the revised deadline for response and the reasons for the delay can be given.

2.1 Making an Informal Complaint

Step	Action	Responsibility	Timeline
1.	<p>If the complaint is about an employee, instructor, or manager, start by setting up a meeting to discuss the issues/challenges with them. Conflict resolution support is available if needed .</p> <p>If the complaint is about a fellow student's behaviour, start by setting up a meeting to talk about the issues/challenges. -conflict resolution support is available, if needed. -.</p>	Student(s)	Within 15 working days of the incident, or circumstance that gave rise to the complaint or issue.
4.	Explore ways to resolve the concerns. Either party may request either a facilitated discussion (with a Manager Student Development, Chair or Dean) or mediation to be used as part of the informal complaint resolution process. Both parties must agree on the identity of the facilitator or mediator. Mediators could be a designated person from the Academic School, Student Development Department or independent third party. Mediation is encouraged.	Student(s) and Employee	
5.	Agree on a way to resolve the concerns and create a written record of the solution for reference and for action/distribution as appropriate.	Student(s) and Employee	
6.	If unable to resolve the issue, proceed to Formal Complaint Process (see section 2.2).	Student(s)	

2.2 Making a Formal Complaint

Step	Action	Responsibility	Timeline
1.	<p>Complete the Formal Complaint Form and submit it to the Manager, Student Development requesting a meeting to discuss your complaint.</p> <ul style="list-style-type: none"> • On the Formal Complaint Form include: <ul style="list-style-type: none"> ○ Description of the complaint, including time and date of events ○ List of parties involved ○ Names of witnesses, if any ○ Action taken to date ○ Solution sought 	Student(s)	<p>Within 15 working days of the incident, or circumstance that gave rise to the complaint or issue.</p> <p>OR</p> <p>Within 5 working days from the end of the informal complaint resolution process</p>
2.	<p>Log the complaint.</p> <p>Send an email to the complainant acknowledging receipt of complaint and indicating a further response to their concern will ensue within 30 working days from the date of the response to the complainant.</p>	Manager of Student Development	Within five (5) working days of receipt of the complaint.
3.	<p>Meet with complainant to hear their concerns and ask points of clarification whenever possible.</p>	Manager of Student Development	Within five (5) working days of receipt of the complaint.
4.	<p>Within ten (10) working days of meeting with the complainant(s), investigate the merits of the complaint, which can include meeting with other parties involved (including facilitating a Student Assessment Meeting with the respondent as necessary).</p> <p>(when to hold a Student Assessment Meeting)</p> <p>Complete investigation of complaint:</p> <ul style="list-style-type: none"> • Gather, analyze and document the information collected. • Summarize the issues and findings. • Determine corrective action/resolution. 	Manager of Student Development	Within 30 working days of the filing of the complaint.

5.	If the complaint lacks merit inform the complainant(s) in writing and provide reasons why no further action will be taken.	Manager of Student Development	
6.	Provides a written response to the complainant, within the limits of confidentiality, the decision(s) regarding the complaint. <ul style="list-style-type: none"> • Communication must detail the response to the student’s complaint (mitigation taken, resolutions reached, or other corrective actions) and their option for an appeal. 	Manager of Student Development	
7.	If the complainant is not satisfied with the decision of the Manager of Student Development, they can submit an appeal to the Director, Student Development, requesting a review of the decision and include the following: <ul style="list-style-type: none"> • Explanation of the continued dissatisfaction • Copy of the original complaint • Written response from the Manager of Student Development • Outline of resolution sought (if different from Formal Complaint Form) 	Student(s)	Within five (5) working days of receipt of response to complaint.

2.3 General Considerations

- 2.3.1 The documentation provided on the Formal Complaint Form must provide a summary of actions taken from the time the complaint was received as well as the rationale for the decision(s) taken.
- 2.3.2 Should the student require assistance to navigate the formal complaint process or to address a potential imbalance of power situation, student support shall be provided. This may be the Manager, Student Development, or another employee of the College. The support person may attend all meetings with the student, at the student’s discretion and request.
- 2.3.3 Representatives of the College responsible for investigating complaints shall not be involved in a matter or activity that does, or may, place the representative in a conflict of interest in relation to the student or the subject matter of the complaint.
- 2.3.4 A complaint may be denied at any time if the complainant has failed to co-operate in the full and timely processing and advancement of the complaint.
- 2.3.5 A complaint under this process that involves false accusations, malicious intent or is otherwise made in bad faith, as determined by the investigation, may be considered a violation of the Student Code of Conduct. There will be no retaliation against a student

for making a complaint in good faith, regardless of outcome. An individual retaliating may be subject to discipline.

- 2.3.6** An employee tasked with responsibility under this policy may delegate that authority to a designate as appropriate.
- 2.3.7** In situations where a formal complaint involves a breach of Maintaining a Respectful Community Policy (4202) by an employee or contractor, the procedures of that policy must be followed, and the complaint submitted to the Vice President of Finance and Administration. Additionally, when an employee involved is covered by a collective agreement or employment policy, the applicable sections of the relevant agreement or policy must be followed.
- 2.3.8** Following investigation or fact-finding, the lack of a factual basis for a complaint will not be considered evidence that a complaint was frivolous or vexatious. Any retaliation by employees because a student engaged in the student complaints process is unacceptable and will be addressed appropriately.

Record Keeping: Copy Student Assessment Policy

NOTE: Records of complaint must be kept for no less than five (5) years.

3.0 OTHER RELATED DOCUMENTS

Academic Integrity (1111)
Course Delivery and Evaluation of Learning (1109)
Formal Complaint Form (1313.4625)
Maintaining a Respectful Community (4202)
Sexual Violence (1308)
Student Appeal (1000.4809)
Student Assessment (1115)
Student Code of Conduct (1112)
Student Standing (1113)