

## Addressing Student Issues & Complaints

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.

This document outlines the process to be followed when responding to a student complaint, as per Policy 1313.

### 1.0 DEFINITIONS

**Administrator(s):** Academic Chair responsible for the program or course, or a Head of Student Services.

**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 PURPOSE and SCOPE

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.

## 3.0 IMPLEMENTATION

**NOTE:** NBCC has several 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). If students are unsure under which policy they should launch a complaint or if they require help initiating the process, they may consult with any member of the Student Services team.

Complaints brought forward through **the Student Issues and Complaints Policy 1313** may be addressed through either an informal or formal process. 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.

### 3.1 Informal Complaints

#### 3.1.1 Informal Complaint Regarding another Student

##### Making an Informal Complaint...

| ...regarding another student |   |                |   |
|------------------------------|---|----------------|---|
| Step                         | Action  | Responsibility | Timeline  |
| 1.                           | If the complaint is about a fellow student's behaviour, start by setting up a meeting to talk about the issues or challenges. Conflict resolution support is available, if needed, by reaching out to Student Services.   | Student(s)     | Within 10 working days of the incident, or circumstance that gave rise to the complaint or issue. |
| 2.                           | Explore ways to resolve the concerns. Either party may request either a facilitated discussion (with an instructor or member of the Student Services team) or mediation to be used as part of the informal complaint resolution process.<br><br>Both parties must agree on the identity of the facilitator or mediator. Mediators could be a designated person from the Academic School, Student Services Department or independent third party. Mediation is encouraged. | Student(s)     |   |
| 3.                           | 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)     | Within 20 working days of the incident or circumstance that gave rise to the complaint or issue.  |
| 4.                           | If unable to resolve the issue, proceed to Formal Complaint Process. (see section 3.2)  | Complainant    | Within 20 working days of the incident or circumstance that gave rise to the complaint or issue.  |

### 3.1.2 Informal Complaint Regarding an Employee of NBCC

#### Making an Informal Complaint...

| ...regarding an employee of NBCC |  |                         |   |
|----------------------------------|--|-------------------------|---|
| Step                             | Action   | Responsibility          | Timeline  |
| 1.                               | If the complaint is about an employee, instructor, other NBCC employee, start by setting up a meeting to discuss the issues/challenges with them. Conflict resolution support is available if needed by reaching out to Student Services.  | Student(s)              | Within 10 working days of the incident, or circumstance that gave rise to the complaint or issue. |
| 2.                               | Explore ways to resolve the concerns. Either party may request either a facilitated discussion (with a Head of Student Services, Chair or Dean, as appropriate) or mediation to be used as part of the informal complaint resolution process.<br><br>Both parties must agree on the identity of the facilitator or mediator. Mediators could be a designated person from the Academic School, Student Services Department or independent third party. Mediation is encouraged. | Student(s) and Employee |   |
| 3.                               | 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 | Within 20 working days of the incident or circumstance that gave rise to the complaint or issue.  |
| 4.                               | If unable to resolve the issue, proceed to Formal Complaint Process. (see section 3.2)   | Complainant             | Within 20 working days of the incident or circumstance that gave rise to the complaint or issue.  |

## 3.2 Formal Complaints

### 3.2.1 Formal Complaint Regarding another Student

#### Making a Formal Complaint...

| ...regarding another student |   |                          |   |
|------------------------------|---|--------------------------|---|
| Step                         | Action  | Responsibility           | Timeline  |
| 1.                           | Complete the <a href="#">Student Complaint Form</a> . <ul style="list-style-type: none"> <li>• On the Formal Complaint Form include:               <ul style="list-style-type: none"> <li>○ Description of the complaint, including time and date of events</li> <li>○ List of parties involved</li> <li>○ Names of witnesses, if any</li> <li>○ Action taken to date</li> <li>○ Solution sought</li> </ul> </li> </ul> | Student(s)               | Within 15 working days of the incident, or circumstance that gave rise to the complaint or issue.<br><br><b>OR</b><br>Within 5 working days from the end of the informal complaint resolution process |
| 2.                           | Log the complaint.<br><br>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.  | Head of Student Services | Within five (5) working days of receipt of the complaint.   |
| 3.                           | Meet with the complainant to hear their concerns and ask points of clarification whenever possible.   | Head of Student Services | Within five (5) working days of receipt of the complaint.   |
| 4.                           | Forward the complaint to the manager/supervisor of the complaint respondent.  | Head of Student Services | Within two (2) working days after meeting with the complainant.   |

### Making a Formal Complaint... (CONTINUED FROM STEP 4)

| <b>...regarding another student</b> |  |                          |   |
|-------------------------------------|--|--------------------------|---|
| <b>Step</b>                         | <b>Action</b>  | <b>Responsibility</b>    | <b>Timeline</b>   |
| 5.                                  | <p>Investigate the merits of the complaint, which can include meeting with other parties involved and/or facilitation of a Student Assessment Meeting when appropriate (ex. Suspected violations of the Student Code of Conduct).</p> <p>Complete investigation of complaint:</p> <ul style="list-style-type: none"> <li>• Gather, analyze and document the information collected.</li> <li>• Summarize the issues and findings.</li> </ul> <p>Determine corrective action/resolution.</p>                         | Head of Student Services | Within 10 working days of meeting with the complainant(s).        |
| 6.                                  | If the complaint lacks merit inform the complainant(s) in writing and provide reasons why no further action will be taken.   | Head of Student Services | Within 5 days of completing the investigation.                    |
| 7.                                  | <p>Provides a written response to the complainant, within the limits of confidentiality, the decision(s) regarding the complaint.</p> <p>Communication must detail the response to the student's complaint (mitigation taken, resolutions reached, or other corrective actions) and their option for an appeal.</p>  | Head of Student Services | Within 5 days of completing the investigation.                    |
| 8.                                  | <p>If the complainant is not satisfied with the decision of the Head of Student Services, they can submit an appeal to the Director, Student Services, requesting a review of the decision and include the following:</p> <ul style="list-style-type: none"> <li>• Explanation of the continued dissatisfaction</li> <li>• Copy of the original complaint</li> <li>• Written response from a Head of Student Services</li> <li>• Outline of resolution sought (if different from Formal Complaint Form)</li> </ul> | Student(s)               | Within five (5) working days of receipt of response to complaint. |

### 3.2.2 Formal Complaint Regarding an NBCC Employee

#### Making a Formal Complaint...

| ...regarding an NBCC employee |   |  |  |
|-------------------------------|---|--|--|
| Step                          | Action  | Responsibility   | Timeline   |
| 1.                            | <p>Complete the <a href="#">Student Complaint Form</a> and submit it to <i>either</i> the Academic Chair or Head of Student Services, as appropriate, requesting a meeting to discuss your complaint.</p> <ul style="list-style-type: none"> <li>• On the Formal Complaint Form include:               <ul style="list-style-type: none"> <li>○ Description of the complaint, including time and date of events</li> <li>○ List of parties involved</li> <li>○ Names of witnesses, if any</li> <li>○ Action taken to date</li> <li>○ Solution sought</li> </ul> </li> </ul> | Student(s)   | <p>Within 15 working days of the incident, or circumstance that gave rise to the complaint or issue.</p> <p><b>OR</b></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 requesting a meeting date.</p>   | Head of Student Services   | Within 2 business days of receiving the complaint.   |
| 3.                            | Meet with complainant to hear their concerns and ask points of clarification whenever possible.   | Appropriate Manager (ex. Academic Chair, Head of Student Services, Dean, etc.) | Within 10 business days of logging the complaint.  |

### Making a Formal Complaint... (CONTINUED FROM STEP 3)

| ...regarding an NBCC employee |   |  |  |
|-------------------------------|---|--|--|
| Step                          | Action  | Responsibility   | Timeline   |
| 4.                            | <p>Investigate the merits of the complaint, which may include meeting with other parties involved.</p> <p>Complete investigation of complaint:</p> <ul style="list-style-type: none"> <li>• Gather, analyze and document the information collected.</li> <li>• Summarize the issues and findings.</li> </ul> <p>Determine corrective action/resolution.</p> | Appropriate Manager (ex. Academic Chair, Head of Student Services, Dean, etc.) | Within 10 business days of meeting with the complainant. |
| 5.                            | If the complaint lacks merit inform the complainant(s) in writing and provide reasons why no further action will be taken.  | Appropriate Manager (ex. Academic Chair, Head of Student Services, Dean, etc.) | Within 5 days of completing the investigation.           |
| 6.                            | <p>Provide a written response to the complainant, within the limits of confidentiality, the decision(s) regarding the complaint.</p> <p>Communication must detail the response to the student's complaint (mitigation taken, resolutions reached, or other corrective actions) and their option for an appeal.</p>  | Appropriate Manager (ex. Academic Chair, Head of Student Services, Dean, etc.) | Within 5 days of completing the investigation.           |

## 4.0 GENERAL CONSIDERATIONS

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.

- 4.1.1** 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 a Head of Student Services, or another employee of the College. The support person may attend all meetings with the student, at the student's discretion and request.



- 4.1.2** 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.
- 4.1.3** 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.
- 4.1.4** 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.
- 4.1.5** An employee tasked with responsibility under this policy may delegate that authority to a designate as appropriate.
- 4.1.6** 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.
- 4.1.7** 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.

## **5.0 RECORDS MANAGEMENT**

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

## **6.0 OTHER RELATED DOCUMENTS**

[Student Issues and Complaints \(1313\)](#)