



## B – Governance Process

## Complaints to Board Members

### Background

The Board of Governors supports the integrity of the administrative structure of the College and believes that most formal complaints by students, staff, and the general public can and should be resolved through administrative channels. The Board also recognizes that occasionally formal complaints will arise that cannot be resolved without Board involvement.

A formal complaint arises when an allegation is made that the College and/or the Board is not acting in accordance with established statutory and policy frameworks. 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 policy frameworks governing the College;
- Protect individuals and the College from trivial or vexatious complaints made in bad faith;
- Establish a consistent procedure for resolution of formal complaints.

### Policy

The Board of Governors of Northern College of Applied Arts and Technology will deal with formal complaints only if they remain unresolved after being processed through the appropriate formal channels or if there are no appropriate formal channels for the formal complaint. Any such complaint will be dealt with in an expeditious manner.

Formal complaints must be signed and accompanied by relevant documentation that establishes the foundation of the complaint.

The Board will not consider formal complaints where it does not have delegated and specific jurisdiction. 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; terms and conditions of employment; and any other applicable regulations. The Board will not consider complaints that relate to collective agreements.

 <p>Board of Governors Policy Manual</p>		<p>Policy #: B-10 Approved: 2012-06-12 Revised: 2020-11-10 Motion: 80-11-20</p>
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Anonymous complaints are not considered; however, should the anonymous complaint allege a security or safety threat to students and/or employees of the College, the complaint will be forwarded to the appropriate legal authorities.

The Board will not consider formal complaints where access to statutory or policy appeal procedures exist and have not be accessed or exhausted.

### Procedure

1. The complainant must submit a formal, written complaint, signed and dated, and include relevant documentation to the Board Executive Assistant, who will immediately forward it to the Board Chair and the Board Executive 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 in-camera portion of the next available meeting, or by mail if there is greater than one month between meetings, that a formal complaint has been forwarded.
2. The Executive 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 Executive Committee decides that the Board has jurisdiction, the Executive 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 their designate will provide the complainant with relevant information concerning existing channels for remedy.

3. If the Executive Committee determines that the formal complaint is to proceed, the following steps will be taken:
  - 3.1 The complaint will be reviewed and all relevant information necessary to consider the complaint will be gathered. The Executive Committee has the right to determine the need for a formal meeting with the complainant, the respondent and/or others as necessary to discuss the complaint in question.
  - 3.2 After careful consideration of the complaint, the Executive Committee will provide a recommendation to the Board.

3.3 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 applicable Board meeting.

These steps will be completed as expeditiously as possible, and no later than 45 working days after notification of the decision to proceed with the complaint. The decision of the Board cannot be appealed.

4. **Confidentiality:** All complaints will be held in strictest confidence except where disclosure is required by law. 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.
5. **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. The Board may impose an exception to this right if it determines the formal complaint is trivial, vexatious or has been made in bad faith. The Board may continue to act on the issue identified in the formal complaint to comply with its legal or ethical obligations.
6. **Time limit:** All formal complaints 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.
7. **Resolution in Writing:** Resolution of the formal complaint will be documented in writing to the complainant and to the respondent, and referenced in the minutes of the in-camera portion of the Board meeting.

The Executive Committee of the Board may make such recommendations as necessary to the Board of Governors to resolve the complaint.

8. **Trivial, Frivolous or Vexatious Complaints:** Trivial, frivolous or vexatious complaints made in bad faith will result in a sanction against the complainant. The nature and severity of the sanction will be determined based on the seriousness and impact of the complaint.
9. **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.



10. **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.
11. Under extenuating circumstances, the Executive Committee and/or the Board can extend any timeframe, at its discretion, and the parties will be notified immediately of this extension.
12. For complaints involving the President, refer to Board Policy C-6 entitled Incidents Involving the College President.

## **MONITORING**

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