

## **COMPLAINT HANDLING GUIDE FOR STUDENTS, FACULTY AND ADMINISTRATORS**

### **A. GENERAL PURPOSE**

This guide was prepared by the Executive Director of Student Services, on behalf of Student Advocacy, in consultation with the Ombudsman.

The purpose of this document is to provide guidelines for the handling of student complaints which are not otherwise addressed by other policies and procedures. Where a matter falls under the Senate Academic Appeals Procedures, Student Discipline By-Law or the Respectful Work and Learning Environment Policy, then the applicable policy and procedures shall be followed as outlined therein.

Providing guidelines will allow for consistency and fairness in addressing issues and complaints in a timely and efficient manner.

### **B. THE PRINCIPLES OF PROCEDURAL FAIRNESS**

1. A fair process means that concerns or complaints shall be heard fairly and that decisions will be made by fair and unbiased decision-makers.
2. A complainant (for the purposes of this document, a student) has the right to bring forward a complaint without the fear of retaliation.
3. A complainant has the right to have the matter addressed in a timely manner by an appropriate Administrator who is not in a conflict of interest and who can address the concerns without bias.
4. The person against whom the complaint is made (hereinafter referred to as "The Respondent") shall have the right to respond to any complaint which is brought forward to him/her.
5. The complainant has the right to be informed of the respondent's response and reply to it.
6. Both parties have the right to know how the matter was addressed and/or resolved. Consideration shall be given to confidentiality under UMFA Collective Agreement.
7. Although it is preferable to resolve a matter on an informal basis, the complainant and respondent have the right to be informed about all formal avenues of recourse which may be available.

### **C. PROCESS FOR STUDENTS BRINGING FORWARD A COMPLAINT**

1. A complainant bringing forward a complaint shall, in the first instance, attempt to resolve the situation by speaking to the person involved e.g. professor or in the case of a graduate student, the student's supervisor.
2. Where the matter can not be resolved to the complainant's satisfaction at that initial level, the complainant, if proceeding with the complaint, shall bring the complaint to the attention of the department head or to the chair of the graduate committee, in the case of a graduate student.

3. Where the matter can not be resolved at the department level or with the chair of the graduate committee, the complainant has the option of bringing the complaint to the attention of the Dean ( in many faculties and schools, including the Faculty of Graduate Studies, there is an Associate Dean who is designated to receive such complaints).
4. At any one of the three levels described above, the complainant may access assistance from offices such as: Student Advocacy, University of Manitoba Students' Union, Graduate Students' Association and Equity Services.
5. Normally the Ombudsman's services are available to the complainant after all levels of conflict resolution and all levels of the formal appeal process have been exhausted.

#### **D. THE ADMINISTRATIVE OFFICER'S ROLE**

(For the purposes of this document the Administrator is any University of Manitoba employee who has the authority to hear and make decisions about student matters e.g. department heads, associate deans, graduate student supervisors, chairs of graduate committees, directors and deans.)

1. To provide information on complaint resolution procedures.
2. To consider the rights and interests of both complainant and respondent.
3. To facilitate the resolution of the complaint through informal resolution as listed in (a)-(d).
  - a) counselling the complainant with regard to what kind of resolutions can be expected.
  - b) counselling the respondent against whom a complaint has been lodged, on effective and timely resolution.
  - c) serving as a source of information about the referral to mediation, advocates, counselling and other services for both complainant and the respondent.
  - d) mediating between the complainant and the respondent.
4. To investigate where it is deemed appropriate.

#### **E. RECOMMENDED PROCEDURES**

##### **MEETING WITH COMPLAINANT**

1. To listen to the concerns of the complainant.
2. To keep a written record and to discuss confidentiality of notes.
3. To ascertain if the complainant has discussed the matter with the faculty member.
4. To determine the resolution expected by the complainant.
5. Review options (as outlined in item 6 a-f).
6.
  - a) The complainant could approach the respondent against whom a complaint has been logged with his/her concerns.
  - b) The Administrative officer meets with the respondent (without revealing the name of the complainant, where confidentiality is an issue) to ascertain his/her perspective.

- c) The Administrative officer could set up a meeting of the complainant and the respondent with the Administrative officer or some other third party as mediator.
- d) The Administrative officer takes no action without further instruction from the complainant.
- e) Where the complainant has unsuccessfully attempted to resolve the matter directly with the faculty member or where the complainant is not comfortable to do so on his/her own, the Administrative officer can commence an investigation.
- f) Other actions as may be seen to be appropriate and agreed to by the Administrative officer and the complainant.

#### MEETING WITH FACULTY/STAFF MEMBER/STUDENT AGAINST WHOM A COMPLAINT HAS BEEN LODGED

Where the complainant permits the Administrator to raise the matter with the respondent,

1. Inform respondent of complaint.
2. Inform respondent that a written record will be made. Communicate the content of the meeting notes that will be kept on file. (confidentiality)
3. Explain, in detail, the concerns brought forward by complainant.
4. Obtain the respondent's perspective.
5. Outline the choices presented to the complainant and what the complainant wishes.
6. Request how respondent would like to resolve the matter.
7. Discuss next steps with respondent which may include Administrative officer discussing the response with complainant or may include setting up meeting between complainant and respondent.

#### INVESTIGATIONS

1. Investigate the complaint to determine if further action is warranted. This shall include speaking with the respondent directly and may also include interviewing any other witnesses necessary to assess the substance of the complaint. The complainant will have the opportunity to reply to the respondent's response.
2. If the preliminary investigation suggests that a formal full investigation appears to be warranted then the matter shall be referred to the Dean (in the case of graduate students this shall mean the Dean of the Faculty of Graduate Studies). In the subsequent investigation the rights of all parties must be respected.
3. The Dean holds the authority to decide if a formal investigation is warranted and the Dean may designate the duties of conducting a formal investigation.
4. The Investigator shall advise the complainant and respondent that a formal investigation has been authorized and the respondent will be fully informed by the Investigator about the complaint. The respondent shall have a reasonable opportunity to respond fully to the complaint. In the subsequent investigation, the right of all parties must be respected and all parties shall be fully informed about the expectations of the formal investigation e.g. confidentiality, records, FIPPA, etc.

5. If the formal investigation determines the complaint is not warranted advise both the complainant and the respondent of this conclusion.
6. If the formal investigation determines that the complaint is considered frivolous and/or vexatious, inform the complainant that disciplinary action may be taken.
7. If the formal investigation determines the complaint has been substantiated, the Administrative officer shall determine the appropriate course of action to be taken and shall advise the respondent accordingly. The Administrative officer shall also advise the complainant as to the decision, taking into account the respondent's rights of privacy and rights pursuant to UMFA or other collective agreements.

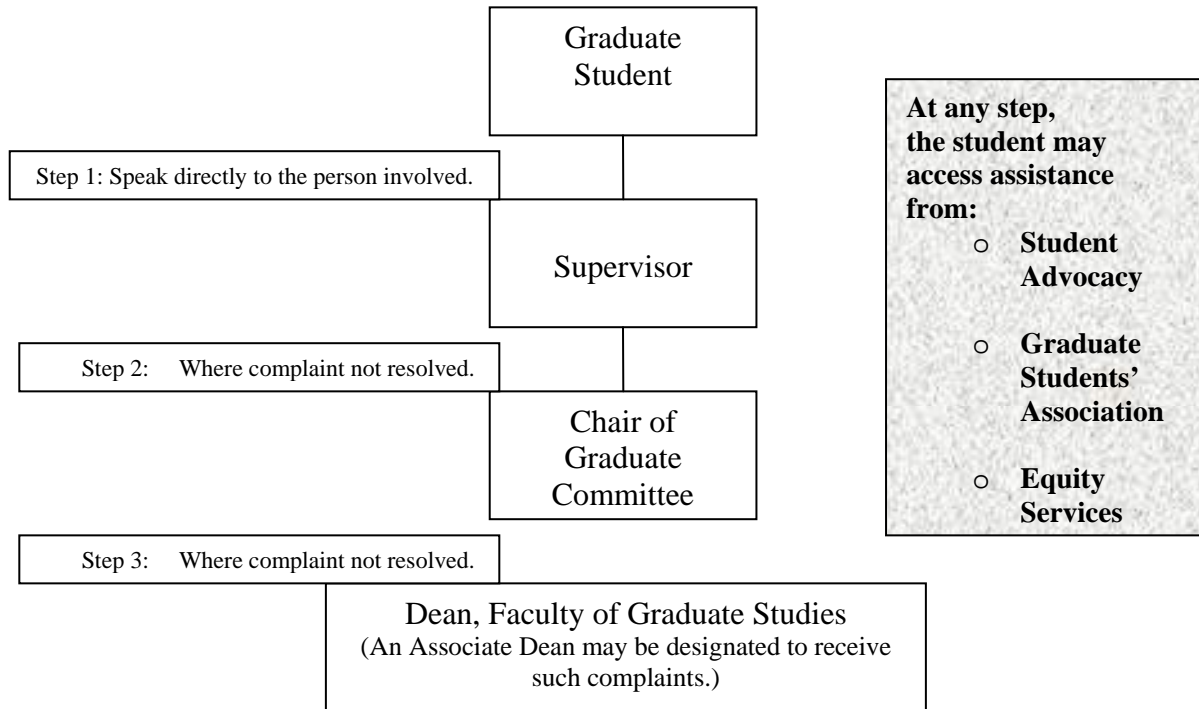
May 8, 2006

If you have questions please call Student Advocacy at 474-7423.

[Student\\_Advocacy@UManitoba.ca](mailto:Student_Advocacy@UManitoba.ca)

[http://umanitoba.ca/student/resource/student\\_advocacy/index.html](http://umanitoba.ca/student/resource/student_advocacy/index.html)

## Complaint Resolution Process for GRADUATE STUDENTS Bringing Forward a Complaint



- Formal Appeal processes may be available at departmental, faculty and university levels.
- Normally, Ombudsman Office services are available to the complainant after all levels of conflict resolution and all levels of the formal appeal process have been exhausted.