

STUDENT COMPLAINTS PROCEDURE

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

Functional Category:	Academic
Parent Policy:	Student Judicial Affairs Policy
Approval Date:	December 12, 2019
Effective Date:	December 17, 2019
Procedure Owner:	Chief, Customer Experience Officer
Procedure Administrator:	Director, Customer Care

Overview:

NorQuest College (college) is committed to fostering a learning environment that is conducive to the personal, educational, and social development of its students.

Students have a right to register a complaint against any college policy or administrative process alleged to be unfair, or against any individual whose actions are alleged to interfere unduly with a student's reasonable and legitimate access to services or participation in appropriate college-related activities, insofar as the complaint is not more appropriately addressed by other college policies or procedures.

Students have a right to appeal any decision made by a Student Complaint hearing panel or an Academic Misconduct hearing panel if that decision was unduly influenced by bias, unfair procedure, or incomplete evidence, and if it can be shown that the outcome of the review might have been substantially affected by any of these circumstances.

Authority to establish this procedure is derived from the [NorQuest College Board of Governors Policy No. 5](#), which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation.

Procedures:

Student complaints and student appeals of hearing panel decisions will be addressed using the adjudication principles stated in the Student Judicial Affairs Policy and the relevant actions specified below.

Informal Complaints

If a student believes that there is justification to complain about an unfair college policy, administrative process or individual behaviour but is uncertain where to go to seek support or redress, the student should contact the Office of Student Judicial Affairs (OSJA) for advice.

Normally, students are encouraged to seek an informal resolution of the complaint by meeting with the individual most directly involved in the complaint. The student may be accompanied by an attendant at any meeting(s).

If it is not possible to address the complaint in this manner, or if the informal discussion does not resolve the matter, the student should discuss the complaint with the individual's immediate supervisor who may meet with the respective parties, interview others, and review pertinent documentation prior to recommending a resolution. Similarly, a student may approach the chair of the program or manager in a department involved in a policy or process dispute.

A student may be provided with informal conflict resolution strategies by the OSJA prior to filing a formal complaint.

Once the informal complaint process has been exhausted, or at the discretion of the OSJA, the complaint may be moved to the formal complaint process.

The OSJA reserves the right to contact security, police, and/or enact other safety procedures if there is an imminent risk of safety to any individual.

Formal Complaints

If the complaint remains unresolved, the student may submit a [Student Complaint Form](#) to the OSJA outlining the basis for the complaint, any supporting information, and the remedy being sought. Normally, student complaints must be filed within ten (10) working days of the incident, with day one being the first working day after the incident or informal decision.

The OSJA will submit the complaint to progressively higher leadership in the department, program or institution who meets the test for reasonable apprehension of bias (see definitions for reasonable apprehension of bias). Once all required documentation is received, the OSJA will submit the file to the decision-maker(s) within two (2) working days.

The decision-maker(s) will inform the OSJA of their decision within ten (10) working days, and the OSJA will inform the party(s) of the outcome and allowable grounds for appeal within two (2) working days of the decision.

The OSJA will place the report on file, and, if applicable, monitor the fulfillment of any conditional sanctions.

Complaints involving a NorQuest College community member

When the informal complaint process has not resolved a complaint involving a NorQuest College community member, or the complaint is an alleged breach of the NorQuest College Code of Conduct Policy, students may make a formal written complaint using the [Student Complaint Form](#).

If the alleged complaint involves a breach of the Code of Conduct against an employee, the complaint will be forwarded to People who will determine the course of action to be taken, at which point OSJA file is closed.

If the alleged complaint does not involve a breach of the Code of Conduct policy, the OSJA will review the file and determine the next course of action.

If the NorQuest College community member is not an employee the OSJA will review the file and determine the course of action.

Appeals

To qualify for an appeal, a student must demonstrate that the decision was impacted by at least one of the following criteria:

- alleged bias on the part of the parties who investigated the complaint; or
- alleged unfair procedures in reviewing the complaint; or
- substantial new evidence that was not previously available;

AND that the outcome might have been substantially affected by any of the above circumstances

Evidence for appeals are submitted to the OSJA affairs within five (5) working days of the deemed receipt of the decision. The OSJA will refer appeals that meet the above criteria to the Dean or Director of the program or department area, who meets the test for reasonable apprehension of bias.

Progressively higher levels of leadership will hear the appeal and provide a final decision to the OSJA. Final decisions will be communicated to the student through the OSJA to a NorQuest College student email address within two (2) working days of receiving the decision. This decision is final and binding.

Additional Information

Student Complaints will not be anonymous and the respondent of a formal complaint will be informed of the identity and nature of the dispute.

Any complaints made in bad faith may be investigated by NorQuest College.

The outcome may be disclosed to other members of the college community for the purpose of administering the decision. In addition, under section 40(1)(b) of the FOIP Act, parties directly affected by the incident (complainants, witnesses, etc.) will be informed of the outcome only as much as is allowed under that section. Questions about the collection, use, and disclosure of personal information can be directed to OSJA, 10215-108 St NW, Edmonton, Alberta T5J 1L6; Tel: 780-644-6490; and Email: osja@norquest.ca.

The personal information obtained by the OSJA is being collected, used, and disclosed pursuant to section 33(c), 39(1)(a), and 40(1)(c) of the *Freedom of Information and Protection of Privacy* (FOIP) Act. This information is collected and used by the OSJA to render a decision, communicate outcomes, and issue sanctions to the affected parties.

Definitions:

Attendant: an individual (e.g., an Association representative, counselor, colleague, or family member) selected by the complainant or respondent to consult with, accompany, or assist, at any meeting or hearing related to the incident. The attendant(s) may observe but may not participate in any proceedings without the permission of a designated college official.

Complainant: student who is filing the formal complaint.

Deemed Receipt: an email is deemed to be received 2 hours after the time sent (as recorded on the device from which the sender sent the email), unless the sender receives an automated message that the email has not been delivered.

Formal Complaint: a formal complaint begins when either the informal process has failed or the complaint has bypassed the informal process. A formal complaint will be in writing and will follow a structured set of guidelines set out by this procedure.

Informal Complaint: a resolution process that is a voluntary, structured interaction between complainant and respondent. The process is meant to resolve the concerns at the earliest stage possible.

Member of the college community: any student, faculty, administrative or staff member of the college, member of the public serving in a recognized capacity for the college, guardian of an underage student acting on behalf of the student in the college community, and employee of an agency contracted by the college.

Notice: written notice delivered by any reasonable means.

Reasonable Apprehension of Bias: the test is whether a reasonable person properly informed would perceive that there was conscious or unconscious bias on the part of the decision maker. A positive finding under this test does not mean that the decision maker necessarily made a decision based on improper considerations- only that he or she reasonably appeared to be biased in the circumstances.

Respondent: any individual against whom an allegation of misconduct has been made under this procedure.

Student: any individual admitted to, and enrolled in, any college course(s) or program(s).

Related NorQuest College Information:

- Academic Calendar
- [Academic Misconduct Procedure](#)
- [Student Complaint Report Form](#)
- [Non-Academic Misconduct Procedure](#)
- [Student Judicial Affairs Policy](#)

Related External Information:

- [Freedom of Information and Protection of Privacy Act](#)

Next Review Date:

December 2023

Revision History:

November 2012: new
 August 2013: update for document links and branding
 December 2013: update for procedure administrator and links



November 2014: update for document links

November 2015: revised

November 2017: update for alignment with revised Non-Academic
Misconduct Procedure

January 2018: update

August 2019: Compliance Office template & reorganization update

December 2019: reviewed and revised