

Policy History
Policy No. AD2
Approving Jurisdiction: President
Administrative Responsibility: Provost and Vice President Academic
Effective Date: February 2006 – August 31, 2024

Complaints about Instruction, Services, Employees or University Policy

This version is valid until August 31, 2024.
See Section 2 for version effective on September 1, 2024.

A. PURPOSE

To establish procedures to deal with complaints about instruction, services, employees or University policies.

B. SCOPE

All members of the University Community.

C. RATIONALE

Kwantlen Polytechnic University has a tradition of service to students. However, problems may sometimes occur in a community as diverse as Kwantlen. The University recognizes that members of the University community may wish to complain about instruction, services, employees or University policies.

D. PRINCIPLES

1. Anonymous complaints will not be considered.
2. These procedures have been developed to protect the rights of all concerned.
3. Corrective action may range from a reprimand to initiation of dismissal or suspension proceedings.
4. Every Kwantlen Polytechnic University employee has an obligation to report any information that is important to the safety and security of Kwantlen Polytechnic University and/or its students and employees

5. Other Policies and Agreements
 - a. The Vice President Academic, having been made aware of a complaint at any stage, may, at his/her discretion, move that complaint to Stage 4 of the Policy Procedures.
 - b. If a complainant pursues a course of action other than a course set out in this policy, the Vice President, Academic may, with exclusive discretion, decide not to commence an investigation (or decide not to continue an investigation that has already commenced) while the other process is proceeding.
6. Assurance of Due Process
 - a. Every effort will be made to guide the process in a fair and equitable manner.
 - b. All individuals will be treated in accordance with the principles of due process. This includes the complainant's right to seek action, the respondent's right to know the allegations and to be given an opportunity to respond to them, and the rights of both parties to a fair and timely process of resolution.
 - c. The filing of a complaint is the right of every student and employee of the University and may be exercised without fear of reprisal. On the other hand, the fact that a complaint has been filed against an individual will not, in and of itself, constitute grounds for disciplinary action against that individual.
7. Confidentiality
 - a. Subject to the University being required by law to disclose information about the investigation, and subject to disclosure which is necessary in order to investigate or resolve a complaint, the University, in addressing allegations and in resolving incidents, will make every effort to keep confidential any information concerning an allegation. Confidentiality, however, must be distinguished as being separate from anonymity.
 - b. As investigations may require frank communication, the University takes the position that it will not disclose documents and other information obtained and gathered in investigations under this policy if the University believes that disclosure would be an unreasonable invasion of an individual's privacy pursuant to requests under the Freedom of Information and Personal Privacy Act (Policy No. E.20).
 - c. Individuals who participate in, or are aware of, any investigations are expected to respect the confidentiality of any information they may receive or be made aware of during the course of the investigation.

E. PROCEDURES

1. Stage 1
 - a. Generally the first attempt to resolve a complaint is directly with the instructor, administrator or other employee or student directly involved.
 - b. Anyone receiving such a complaint should encourage the complainant to attempt informal resolution with that person.
 - c. Not every dispute or complaint can appropriately be addressed at this level, but this kind of informal resolution should usually be attempted.
2. Stage 2
 - a. If the matter is not resolved at Stage 1, the complaint may be referred to the Administrator responsible.
 - b. The Administrator responsible may attempt informal resolution.

3. Stage 3

- a. If the matter is not resolved at Stage 1 or 2 and the complainant chooses to proceed to Stage 3, the complaint must be put in writing to the Administrator and signed by the complainant.
- b. The Administrator will assure the complainant that all parties will be heard, that the information will be restricted to the people who need to know, and that the mere fact of complaining will have no adverse consequences on the status of the complainant in his/her course or program of studies or employment at Kwantlen.
- c. A copy of the complaint will be made available to the respondent.

4. Stage 4

- a. If a party to the complaint is not satisfied with the Administrator's decision, he/she may refer the matter in writing to the Vice President, Academic.
- b. The Vice President may ask for written submissions and/or hold a hearing or meetings or retain the services of an external investigator.
- c. The Investigator will not be compelled to divulge any documentary material or information gathered during the investigation or testify in any litigation, arbitration, Board of Inquiry or other legal proceeding and will not be subpoenaed for any purpose relating to the investigation in any litigation, arbitration, Board of Inquiry or other legal proceeding.

5. Stage 5

- a. If a party to the complaint is not satisfied with the Vice President's decision, he/she may refer the matter in writing to the President within five (5) working days of the Vice President's decision for final resolution.

F. RELATED POLICIES:

IM2 Freedom of Information & Protection of Privacy
ST7 Student Conduct (Non-Academic)

Policy History
Policy No. AD2
Approving Jurisdiction: President
Administrative Responsibility: Provost and Vice President Academic
Effective Date: September 1, 2024

Complaints about Instruction, Services or Employees Policy

A. CONTEXT AND PURPOSE

Kwantlen Polytechnic University (KPU) is committed to providing high-quality education and services to members of its community. KPU recognizes that there may be circumstances where parties may have concerns about their educational or service experience that merit reporting to, and a response by, the University. The University encourages Complainants to use both the informal and formal complaint resolution processes set out in this Policy, as well as policies that address concerns outside of the scope of this Policy, to resolve their concerns.

This Policy establishes the scope, limitations, and informal and formal complaint resolution processes that address concerns regarding instruction, services, or Employees.

B. SCOPE AND LIMITS

1. This Policy applies to complaints relating to instruction, services or KPU Employees. This includes services provided to the KPU community and the administration of University programs and activities.
2. This Policy does not apply to complaints addressing violations of policies which themselves contain or provide a complaint or appeal process. In those circumstances, the complaint process contained in the Policy that has been violated will be followed.
3. This Policy is not to be interpreted, administered, or applied in such a way as to detract from the rights and obligations of those in supervisory roles to manage and discipline Employees in accordance with the University’s collective agreements, policies and procedures.

C. STATEMENT OF POLICY PRINCIPLES

1. Complainants and Respondents are encouraged to resolve issues informally and find mutually desirable solutions through respectful and open communications; the complaint resolution processes will present an opportunity to have their experience acknowledged, heard and validated.

2. In circumstances wherein a complaint cannot be resolved informally, Complainants will have access to processes that address and resolve their complaints in a fair and equitable manner.
3. The University establishes a fair and equitable complaint resolution process, as well as provides the necessary resources and support to those involved in that process.
4. The Policy and the Procedure have been developed to protect the rights and safety of all concerned.
5. Every KPU student and Employee has an obligation to report any information that is important to the safety and security of the University and its students and Employees.
6. The immediate Supervisor, as defined in the Procedure, has an obligation to address complaints brought to their attention.
7. The Complainant may make a request to the appropriate Vice President to address their complaint through a different policy. In that case, the appropriate Vice President may, with exclusive discretion, decide not to commence an investigation, or to continue an investigation that has already commenced while the other process is proceeding.
8. A Complainant has the right to withdraw their complaint at any point during the complaint resolution process and, in that instance, the complaint is considered closed. However, the University may continue to act on the issue identified in the complaint as required by law or to uphold the University's standards of education and service.
9. The Supervisor or Senior Administrator responsible for the Employee or department/area that is subject to the complaint will provide an outcome to the Complainant and the Respondent in accordance with the Procedure.
10. All matters will be handled in a timely manner.
11. Where there is a finding of misconduct, a range of corrective and/or disciplinary actions will be considered that are proportionate to the severity of the misconduct that range from a reprimand to initiation of dismissal or suspension proceedings.

Assurance of Due Process

12. Every effort will be made to guide the process in a fair and equitable manner.
13. The filing of a complaint is the right of every member of the University community and may be exercised without fear of reprisal. At the same time, the filing of a complaint against an individual will not, in and of itself, constitute grounds for corrective and/or disciplinary action against that individual.
14. All those involved in a complaint resolution process will be treated with respect and dignity in accordance with the principles of due process. This includes the Respondent's right to know the allegations and to be given an opportunity to respond to them, and the rights of both parties to obtain support and relevant resources.
15. Complaints that are found to be frivolous, vexatious, or malicious in nature may result in disciplinary action.

Confidentiality

16. Anonymous complaints will not be considered. However, the University, in addressing allegations and in resolving incidents, will make every effort to keep confidential any information concerning an allegation subject to the University being required or authorized by

legislation to disclose information about the investigation, and subject to disclosure which is necessary in order to investigate or resolve a complaint.

17. As investigations may require frank communication, the University takes the position that it will not disclose records and other information obtained and gathered in investigations under this Policy if the University believes that disclosure would be an unreasonable invasion of an individual's privacy under the Freedom of Information and Protection of Privacy Act.
18. Individuals who participate in, or are aware of, any complaints or investigations are expected to respect the confidentiality of any information they may receive or be made aware of during the course of the investigation.

D. DEFINITIONS

Refer to Section A of Procedure AD2 *Complaint* Resolution for a list of definitions in support of this Policy.

E. RELATED POLICIES & LEGISLATION

Employee Code of Conduct

HR21 *Respectful Workplace*

HR24 *Protected Disclosure*

IM8 *Privacy Policy*

ST2 *Student Academic Integrity*

ST3 *Grade Appeals*

ST7 *Student Conduct (Non-Academic)*

SR14 *Sexual Violence and Misconduct*

Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, Chapter 165

Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 155/2012

F. RELATED PROCEDURES

AD2 *Complaints about Instruction, Services or Employees*