

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

## Complaints about Instruction, Services or Employees Procedure

### A. DEFINITIONS

1. **Complainant:** A person who submits a complaint against an educational or service experience or an employee at KPU.
2. **Employee:** A person ordinarily employed by the University that includes all administrators, faculty, staff, casual employees and student assistants of KPU.
3. **Investigator:** A person who is a University employee or an external investigator who is conducting an investigation about the complaint.
4. **Respondent:** An employee, or a person responsible for the department/area, the complaint is against.
5. **Senior Administrator:** The person to whom the Supervisor reports. For faculty this is usually the Dean of the Faculty.
6. **Supervisor:** The person to whom the respondent reports or the person who is in charge of the department/area in which the behaviour of concern occurred/is occurring. For faculty, this is usually the Associate Dean of the department/area.

### B. PROCEDURES

1. Resources
  - a. Prior to seeking to resolve their concern or issue, a Complainant who is a KPU student or Employee may wish to consult with resources and support made available to them by the University.
2. Nature of the Complaint, Collective Agreements and Other KPU Policies
  - a. Prior to filing a complaint at KPU, the Complainant will review the list of referenced KPU policies and determine which policy most appropriately describes the nature of their

complaint. Where their complaint concerns instruction, services, or employees, and does not fit the scope of the other listed policies, the informal and formal complaint resolution processes outlined below in this Procedure are available.

### 3. Confidentiality

- a. All parties involved with the concern, and all those involved in the response to the complaint, will respect the privacy of those involved.
- b. When an issue is brought forward at the informal or formal resolution process, information will not be disclosed by any person involved except as is necessary to respect due process or to comply with applicable legislation. If the informal or formal resolution process requires confidentiality be lifted, the Complainant may opt to preserve confidentiality, in which case the complaint may be dismissed.

### 4. Conflict of Interest

- a. Any person who finds themselves in a real or perceived conflict of interest will remove themselves from the formal or informal process.

### 5. Frivolous, vexatious or malicious intent, breach of confidentiality, and retaliation

- a. Frivolous, vexatious or malicious complaints that have insufficient grounds and/or malicious intent will not be pursued.
- b. Retaliation in any form, including verbal, online or physical threats of reprisal, against a Complainant for filing a complaint or against anyone involved in the informal and/or formal resolution processes may be considered harassment and subject to the appropriate KPU policies and disciplinary actions.
- c. Frivolous, vexatious or malicious complaints, breaches of the confidentiality requirements, or retaliation in respect of a complaint may result in disciplinary action.

## 6. Informal Complaint Resolution

### ***Stage 1: Employee***

- a. The Complainant is encouraged to discuss their complaint and resolve the issue with the Employee the complaint is against directly whenever possible.
- b. The University recognizes that there may be power imbalance or other factors that may make this not appropriate or possible. The Complainant, if an Employee, may request assistance from their immediate Supervisor to whom they report; or if a student, may consult with the Student Rights and Responsibilities Office to resolve their issue. Any Complainant or Respondent may consult with the Office of Equity & Inclusive Communities.

### ***Stage 2: Supervisor***

- c. If the Complainant cannot resolve their issue with the Employee directly at this level, the Complainant will discuss their complaint and attempt to resolve the issue with the Employee's immediate Supervisor directly.
- d. If an informal resolution cannot be reached, or if the Supervisor determines that an informal resolution would not be appropriate due to the nature of the allegations, the Complainant or the Supervisor can choose to proceed to the formal complaint resolution process outlined in this Procedure.

## 7. Formal Complaint Resolution

### *Stage 3: Senior Administrator*

- a. If the issue is not resolved at the Informal Complaint Resolution process outlined in this Procedure, the Complainant may submit a complaint in writing to the Senior Administrator.
  - i. The complaint in writing must include the nature of the complaint;
  - ii. If the complaint is against an Employee, a copy of the complaint will be provided to Labour Relations in Human Resources.
- b. Upon receipt of the complaint in writing, the Senior Administrator may decide not to proceed with an investigation under this policy or to stop an investigation at any time when the complaint is more appropriately dealt with through another mechanism, policy or procedure. Should this occur, the Senior Administrator will notify the Complainant.
- c. Where the complaint fits the scope of this policy, the Senior Administrator will contact Labour Relations to appoint an Investigator to investigate the Complaint. Prior to making an appointment, the University will ensure that there are no grounds for a reasonable apprehension of bias on the part of the Investigator under consideration.
- d. The Investigator will advise participants of the option to have support present for interviews, subject to real or perceived conflict of interest as determined by the Investigator.
  - i. Any person being interviewed in connection to the issue may bring one support person to the interview, but the support person may not speak on behalf of the person being interviewed.
  - ii. A support person during an interview is expected to conduct themselves in a professional and respectful manner. Failure to do so may result in that support person being asked to withdraw from an interview, in which case the individual being interviewed can agree to proceed with the interview without a support person or request the interview be postponed until an alternate support person has been identified. Any postponement and the length of such postponement will be at the discretion and determination of the Senior Administrator.
- e. In all investigations, the Respondent will normally be informed of the allegations made against them in writing, and will be given a full opportunity to respond.
- f. The Investigator will conduct the investigation in a procedurally fair and sensitive manner, using a process determined by the Investigator.
- g. At the completion of the investigation, the Investigator will submit a written report to the Senior Administrator.
- h. The Senior Administrator will notify the Complainant and the Respondent in writing that the University has completed its investigation. As appropriate, they may also be informed of the results of the investigation. These are confidential communications.
- i. Where the Investigator determines that misconduct has occurred, the Senior Administrator will determine what corrective, disciplinary or other measures are appropriate.

## 8. Appeal of the Process

### *Stage 4: Vice President*

- a. A Complainant or Respondent may appeal a non-disciplinary outcome of the investigative process only if there are grounds to show that due process was not followed or that this Policy was incorrectly applied. An appeal will not reconsider the original complaint, although the person or body deciding the appeal may consider any new evidence that could not reasonably have been available at the time of the original investigation.
- b. An appeal of the process must be submitted in writing within ten (10) business days of the Investigator's findings being received by the Complainant/Respondent. The written submission must provide specific grounds for the appeal. The appeal must be submitted to the appropriate Vice President.
- c. A non-unionized Employee who has been disciplined may appeal to their appropriate Vice President. The appeal must also be submitted to the Vice President, Human Resources.
- d. A unionized Employee who is a Respondent may appeal a disciplinary decision through the applicable grievance process as outlined in the appropriate collective agreement, following the timeliness and process set out in the collective agreement.
- e. An appeal may be upheld or dismissed, in whole or in part, and/or referred back to the Senior Administrator for reconsideration. The person or body deciding the appeal will give reasons for the decision in writing, and that decision is final.

## C. RELATED POLICY

Employee Code of Conduct

AD2 Complaints about Instruction, Services or Employees

HR21 Respectful Workplace

HR24 Protected Disclosure

RS2 Integrity in Research and Scholarship

ST2 Student Academic Integrity

ST3 Grade Appeals

ST7 Student Conduct (Non-Academic)

SR14 Sexual Violence and Misconduct