

<b>SUBJECT</b>	<b>RESPECTFUL COLLEGE COMMUNITY PROCEDURE: STUDENT COMPLAINT PROCEDURE</b>
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## A. PROCEDURES

### The Informal Complaint Resolution Process

Informal Discussion between Complainant and Respondent:

1. The College recommends that, initially, and provided the Complainant is comfortable doing so, the Complainant approach the Respondent on an informal basis to identify the conduct of concern and explain to the Respondent that it is unwelcome.
2. The Complainant and the Respondent may discuss the Complainant’s concern(s) as well as possible ways of addressing it. They may consult with a Student Advisor for direction and support.

Mediation:

Two different options for a mediated resolution exist. Either the Complainant or Respondent may choose to follow one or both of these options.

1. Either the Complainant or the Respondent may make a request for an internal party be engaged to act as a mediator. This person would be at arm’s length from the situation or complaint so as to allow for neutrality.
  - a. The internal party will be identified by the Executive Director, Student Services, Institutional Research & Registrar the Senior Vice President, Academic or designate. Ideally, the internal party will be from a different department or area of the College. This person should have knowledge of and/or experience with dispute resolution processes.
  - b. The internal party will meet with the Complainant and the Respondent to gather information and mediate, with a view to helping the parties come to a resolution. All discussions throughout mediation are privileged and confidential, including if a formal complaint is subsequently pursued.
  - c. The Executive Director, Student Services, Institutional Research & Registrar Senior Vice President, Academic or designate may determine mediation is not appropriate in the circumstances and may proceed to the formal complaint resolution process.
2. Either the Complainant or the Respondent may make a request for an external party be engaged to act as a mediator.
  - a. The external party will be identified by the Executive Director, Student Services, Institutional Research & Registrar the Senior Vice President, Academic or designate.
  - b. The external party will meet with the Complainant and the Respondent to

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gather information and mediate, with a view to helping the parties come to a resolution. All discussions throughout mediation are privileged and confidential, including if a formal complaint is subsequently pursued.

- c. The Executive Director, Student Services, Institutional Research & Registrar Senior Vice President, Academic or designate may determine mediation is not appropriate in the circumstances and may proceed to the formal complaint resolution process.

### **The Formal Complaint Resolution Process**

1. If mediation is deemed not to be appropriate or does not lead to an effective resolution, the Complainant may make a formal complaint.
2. All formal complaints will be dealt with in accordance with the processes set out in this Procedure.

### **Making a Formal Complaint**

Any Northern College Community Member who believes they have been subjected to harassment, hate, violence, racism, racial discrimination, or discrimination of any type in a College setting has a right to make a formal or informal complaint and is encouraged to follow the procedures. All College employees, contractors, visitors, and volunteers should bring their complaint(s) to their manager and/or Human Resource Services, or other designated individual. See Procedure #HR-13-PR-1 Respectful College Community Procedure for Employees, Contractors, Visitors and Volunteers.

College students who would like to make a formal complaint(s), should speak to a Student Advisor, Campus Manager, Dean, or other designated individual and the following procedure will apply.

Complainants prepare and submit a written complaint, including the name (and position) of the Respondent(s), names of any witnesses or other individuals with relevant information, details of allegations (including locations, dates and times of incidents), and any supporting documents. See **Appendix A** to access the Student Complaint Form.

In no case will a Complainant be compelled to submit or proceed with a formal complaint against their wishes. However, the College, upon being made aware of an incident, may proceed to address the complaint and the Complainant may still be required to cooperate in an investigation.

Upon receiving a formal complaint, the College will acknowledge the complaint within 30 days of the complaint being filed. Such a response will include an outline of the process/next steps, and the estimated time for the issue to be addressed (including interim measures,

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where appropriate). Except in extenuating circumstances, the estimated time will be no longer than 12 months from the time the complaint was received. Should the timeline exceed 12 months, the extenuating circumstances will be explained through the annual reporting process.

Anonymous complaints may be filed at the discretion of the Complainant or witness (es) to an offence. Please know that in the case of an anonymous complaint, the College will make decisions regarding moving forward with an investigation and the investigation into the complaint may be restricted by the limited information available.

**Conducting an Investigation**

The College will conduct an investigation into any incident or complaint of harassment, violence, hate, racism, racial discrimination, or discrimination, as appropriate in the circumstances. This obligation is not only triggered when a formal complaint is made, but also when the College becomes aware of an incident of harassment, violence, hate, racism, racial discrimination, or discrimination.

**Institutional Assessment:**

A designate from the Student Services department reviews the complaint to assess whether the allegation(s) would, if proven true, constitute a violation of institutional policies/ rules and determines next steps.

**Complaint Review:**

A designate from the Student Services department assesses the complaint in more detail and may launch an investigation to gather more information where appropriate.

**Use of Internal or External Investigator:**

The College, at its sole discretion, may assign an internal Investigator or retain an external Investigator to conduct the investigation, as appropriate in the circumstances.

The Investigator shall investigate the complaint in a fair and timely manner. They will protect the privacy and confidentiality of the complainants, witnesses and respondents (as is practicable) and advance a culture of tolerance, inclusion, respect, and dialogue that supports complaints without repercussions.

The decision to proceed with an investigation will be made by the appropriate Senior Vice President or Executive Director, Student Service, Institutional Research & Registrar. Where appropriate, the Investigator may investigate the complaint even if the Complainant chooses not to submit, or to withdraw, a formal complaint.

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At the outset of an investigation, the Respondent(s) shall be invited to provide a written response. Where necessary, the Investigator may require the Respondent(s) to provide a written response.

In the course of an investigation, the Investigator may interview any individual who may have information relevant to the complaint or the response to the complaint.

All individuals who participate in an investigation will be reminded of their duty to keep all shared information confidential and not to discuss the complaint, the incident(s), or the investigation with others unless necessary to obtain advice about their legal rights. All individuals who participate in an investigation may ask to be accompanied by a supporter and/or union representative.

The College will make its best effort to conclude the investigation in a timely manner, but timelines will vary depending on the circumstances of the complaint and investigation.

**Referral to Law Enforcement**

Nothing in this policy precludes the College from referring an individual matter to the appropriate law enforcement agency before, during, or after a disciplinary action is taken by the College under this policy.

**Decision and Outcome**

The Investigator shall prepare a detailed investigation report which sets out the Investigator’s findings of fact. The Investigator shall submit the investigation report to the Executive Director of Student Services, Institutional Research & Registrar, the Senior Vice-President, Academic or delegate, and/or any other College representative(s), as appropriate.

The Executive Director of Student Services, Institutional Research & Registrar, Senior Vice-President, Academic or delegate in consultation with any other College representative(s), as appropriate, shall determine whether and to what extent any Policy violations have occurred, and shall determine whether and to what extent any corrective action will be taken.

The Complainant and Respondent(s) will be informed in writing of the outcome of the investigation and of any corrective action taken. For students, corrective action will be in accordance with the Student Handbook and Student Code of Conduct. Corrective action may consist of training, prohibited or restricted access to the campus and/or disciplinary measures such as reprimand, suspension, or dismissal/expulsion.

The written response to the complainants and respondents will also include the appeals mechanism outlined below.

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Records related to the complaint and investigation shall be kept in a confidential and secure manner for a minimum of one year following the conclusion of the investigation. Such records shall not be disclosed unless necessary for another investigation, to take corrective action, or as otherwise required by law.

### **Interim Measures**

When allegations are of a serious nature, institutions may impose interim measures to ensure the safety and security of all parties during an ongoing investigation. In such cases, the rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a respondent may be moved from a complainant's campus residence building, restricted from entering certain parts of campus and restricted from attending class.

Such "interim measures" will be imposed only as necessary to meet the needs of complainants and persons who report incidents of harassment or otherwise under the College's Respectful College Community Policy. The College will also take steps to minimize the impact of interim measures on respondents.

Interim measures are not punishment and do not represent a finding of misconduct. The College may impose interim measures immediately. Respondents may ask the College to review a decision to impose interim measures, but only to address the impact of the imposed measure and the preference for other alternatives.

### **Appeals**

The decision arising from an investigation may be appealed by a complainant or a respondent as described in the Student Code of Conduct – Appealing the Student Code of Conduct. (See Student Handbook, Section 2 – Student Rights and Responsibilities, 2.5 Appealing the Student Code of Conduct. [Student Handbook – Northern College](#))

## **B. ENFORCEMENT**

Where the College has determined that an individual has perpetrated harassment, hate, violence, racism, racial discrimination, or discrimination or has otherwise engaged in conduct which contravenes this Policy, the College shall have complete discretion to impose remedies, sanctions, or take other corrective action, as appropriate and proportionate,

The severity of any corrective action will be consistent with the seriousness of the conduct at issue such that more significant corrective action will follow more serious

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conduct or repeated violations of this Policy.

### **C. UNSUBSTANTIATED OR VEXATIOUS COMPLAINTS**

If a person, in good faith, discloses or files a complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed.

Disclosures or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the respondent, may result in sanctions and/or discipline against the complainant.

### **D. NO REPRISAL**

Harassment, violence, hate, racism, racial discrimination, and discrimination are serious matters. This Policy prohibits reprisals against students who have made good faith complaints or otherwise provided information about apparent harassment, violence, hate, racism, racial discrimination, or discrimination in the College Setting. Individuals who engage in reprisals or threats of reprisals will face appropriate corrective action. See related Policy for instances of reprisals.

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**APPENDIX A**


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**Student Complaint Form: Harassment, Violence, Hate, Racism,  
Racial Discrimination, and/or Discrimination**

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If you have experienced any form of harassment, violence, hate, racism, racial discrimination and/or discrimination, and wish to make a formal complaint, you can complete the form electronically using this digital form: [Student Complaint Form: Harassment, Violence, Hate, Racism, Racial Discrimination and/or Discrimination.](#)

You can also complete the form below and submit it to the following email address: [registrar@northern.on.ca](mailto:registrar@northern.on.ca)

**Student Name:**

**Student number:**

**Contact Information (email address and/or phone number):**

**Campus Location (Timmins, Kirkland Lake, Haileybury, Moosonee):**

**Name, position, and contact information (if available) of alleged Respondent(s):**

**Details of the Complaint:**

Please provide as much detail as possible, including names of any witnesses or other individuals with relevant information, details of allegations (including locations, dates and times of incidents), and any other information you believe is relevant.

**Relevant Documents/Evidence:**

Attach any supporting documents, such as emails, handwritten notes, or photographs. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

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