



Niagara Catholic District School Board

## **COMPLAINT RESOLUTION POLICY**

ADMINISTRATIVE OPERATIONAL PROCEDURES

800 – Schools and Community Councils

Policy No. 800.3

Adopted Date: April 28, 1998

Latest Reviewed/Revised Date: October 24, 2017

### **DEFINITION OF A COMPLAINT**

A complaint is defined as any oral or written communication expressing dissatisfaction with the application of policies, procedures, programs, services or actions of an employee, or the Niagara Catholic District School Board (the “Board”). Those expressing an oral complaint will be required to put the complaint in writing, dating and signing the complaint to facilitate an investigation.

Anonymous or pseudonymous complaints or material, unless it is believed that such complaint or material references an illegal, abusive or protection matter or is otherwise required to be investigated at law, will not be considered, copied, distributed, repeated, responded to or entertained by the Board.

In consultation with an employee’s superordinate, anonymous or pseudonymous complaints or material of an illegal, abusive or protection matter will be referred to the appropriate party or parties such as the police and/or Family and Children Services. Any person who has reasonable grounds to suspect that a child is or may be in need of protection, must promptly report the suspicion and the information upon which it is based to a children’s aid society. Subsection 72(1) of the *Child and Family Services Act* sets out the circumstances that must be reported.

Anonymous or pseudonymous written complaints received by staff, excluding those which it is believed refer to an illegal, abusive or protection matter will be shredded.

### **INVESTIGATION**

Wherever possible, all complaints are to be dealt with at the school or site level, with the employee involved, providing the complaint is not frivolous or vexatious as determined by the employee’s supervisor, in consultation with a Supervisory Officer or the Controller of Facilities Services of the Board. In accordance with the Processing of Complaint section of these Administrative Procedures, written complaints received by superordinates regarding an employee, other than the employee’s immediate supervisor, will be redirected to the employee’s immediate supervisor.

A person who makes or is the subject of a complaint must not conduct or oversee any aspect of the complaint investigation.

A complaint of a Trustee will be referred directly to the Chair of the Board and heard in the In-Camera Meeting of the Board.

Trustees who receive a complaint are to direct the complainant to contact the employee or the school Principal or relevant supervisor. If the concern is not resolved at the school level, Trustees will direct the complainant to contact the appropriate Superintendent of Education, the Controller of Facilities Services or the Director of Education.

Trustees will facilitate the direction of the complainant to appropriate supervisory staff so as to not forfeit participation in a potential appeal to the In-Camera Meeting of the Board.

Employee complaints related to working conditions and/or Collective Agreement provisions will be investigated as provided in the respective Collective Agreement and not through this Policy.

Complaints between employees will follow the process outlined within this Policy and Administrative Procedures. Teachers certified by the Ontario College of Teachers have a professional obligation to inform a colleague that an adverse report has been made as set out in section 18 of the Regulation under the *Teaching Profession Act* unless, as set out in the Regulation, a teacher suspects that another teacher's behaviour constitutes sexual abuse. In such a case, a teacher is not obligated to make an adverse report about another teacher respecting suspected sexual abuse of a student by the other member. In all cases, the complainant must strictly adhere to the requirements of the Regulation under the *Teaching Profession Act*, as may be amended from time to time.

It is the intent that procedural fairness will be observed in the investigation of a complaint. An employee named in a complaint is presumed innocent until such time as it is concluded through the results of the investigation that, on the balance of probabilities, that the complaint is substantiated. In such case, the Board will endeavour that the employee named in a complaint will be notified of the complaint within one (1) work week of the receipt of the complaint, be provided with the specific allegations being made and an opportunity to respond to the allegations set out in the complaint. Unless determined by the Police or Family and Children Services, an employee will be given the name of the individual submitting the complaint and provided with a copy of the complaint. The employee will be informed of the process, determination and resolution, if any, of the complaint.

No record of a complaint will be kept in the employee's personnel file, unless disciplinary action was determined by the Director of Education / or delegate or the Board.

## CONFLICT OF INTEREST

Employees involved in conducting or directly supervising a complaint investigation must be free from actual or perceived conflict of interest, including actual or perceived non-pecuniary conflicts or biases.

A conflict of interest shall exist when the supervisor otherwise charged with investigating the complaint pertaining to an employee, is related by family or by marriage to the employee who is the subject of the complaint or has had previous involvement with the complaint or the incident that gave rise to the complaint. Employees deemed to be supervisors include, Principals, Vice-Principals, Administrators, Controller of Facilities Services, Superintendents and the Director of Education. Trustees shall declare a conflict of interest with respect to a complaint that involves an employee who is related by family or by marriage, or has had previous involvement with the complaint or the incident that gave rise to the complaint.

For integrity of the process and decision, the supervisor or Trustee who is in a conflict situation will immediately declare a conflict of interest to the complainant and direct the complainant to the Director of Education who will either reassign the complaint to another supervisor or hear the complaint directly. At any time the supervisor or Trustee may refer to the Director of Education for advice.

When a conflict of interest is declared by a Superintendent of Education or Controller of Facilities Services, the Director of Education will either reassign the complaint to another Superintendent of Education or hear the complaint.

When a conflict of interest is declared by the Director of Education, the Director will notify the Chair of the Board who will assign two (2) Superintendents of Education to investigate the complaint. A report on the investigation will be presented by the two (2) Superintendents of Education to the individual initiating the complaint.

An appeal of the results of the investigation conducted under this Conflict of Interest section may be made to an In-Camera Meeting of the Board.

## COMPLAINT AGAINST THE CONDUCT OF THE BOARD, A TRUSTEE, THE DIRECTOR OF EDUCATION OR A MEMBER OF SENIOR STAFF

When a complaint is filed against the Board, the Director of Education will notify the Chair of the Board and Vice-Chair of the Board along with the appropriate Board legal counsel to determine the next course of action. A report will be presented to the In-Camera Meeting of the Board at the earliest opportunity.

A complaint involving a Trustee(s) will be pursued under the [\*Trustee Code of Conduct Policy \(100.12\)\*](#).

When a complaint is filed against the conduct of the Director of Education, the Director or the Chairperson of the Board, whoever receives the complaint, will notify the appropriate Board legal counsel to determine the next course of action. A report will be presented to the In-Camera Meeting of the Board at the earliest opportunity.

When a complaint is filed against the conduct of a Superintendent of Education, Superintendent of Business and Finance or the Controller of Facilities Services, the Director of Education will investigate the complaint. An appeal of the decision by the Director of Education may be made at an In-Camera Meeting of the Board.

## PROCESSING OF COMPLAINT

The appropriate Board staff will endeavour to act on complaints promptly, and no later than two (2) work weeks from the date of receipt of the complaint.

Complainants who persist in opposing rules, routines and functions of a school or the Board, to the point of complaints being malicious, frivolous, and vexatious or harassing of employees, will be advised in a firm and charitable manner that such action will not be condoned or tolerated.

A complaint will not be processed, where the complainants are members of the public who have had a recent opportunity to comment on a Board decision or a similar complaint by the individual has already been processed, or another process is in place to hear the complaint, such as public meetings or the Trustee Code of Conduct Policy.

To facilitate the resolution of complaints the following complaint process will be followed to focus on the issues with the individuals most directly involved with the origin of the issue. Every effort will be made to meet with both parties.

### 1. Complainant and Employee Concerned

The complainant is to contact the employee involved to discuss the concern and attempt to resolve the matter. If not satisfactorily resolved, then;

**2. Complainant and the Employee’s Immediate Supervisor**

The complainant will be referred to the employee’s immediate supervisor to discuss the concern and attempt to resolve the matter. If not satisfactorily resolved, then;

**3. Complainant and Superintendent/Controller of Facilities Services**

The complainant will be referred to the appropriate Superintendent or Controller of Facilities Services to discuss the concern and attempt to resolve the matter. If not satisfactorily resolved, then;

**4. Complainant and Director of Education**

The complainant will be referred to the Director of Education for consideration of the complaint and the decisions made by supervisory staff of the Board. If not satisfactorily resolved, then:

**5. Appeal to the In-Camera Meeting of the Board**

A written complaint may be submitted to the Chair of the Board to delegate to the In-Camera Meeting of the Board by the complainant if not satisfied with the decision of the Director of Education. This request shall be made in writing. The delegation request will follow [Board By-Law \(100.1\)](#) Section 16 subsection B through J. The complainant will be advised in writing, unless otherwise advised by Board legal counsel, of any decisions taken by the In-Camera Meeting of the Board in relation to the complaint.

**COMPLAINT RESOLUTION AND RECONCILIATION**

Upon the resolution of the complaint, the employee’s superordinate or in the case of an appeal to the In-Camera Meeting of the Board, the Director of Education will meet with all parties involved with the complaint to discuss the resolution of the complaint and endeavour to facilitate an opportunity for reconciliation between the parties.

<b>Adopted Date:</b>	<b>April 28, 1998</b>
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