Niagara Catholic District School Board

COMPLAINT RESOLUTION POLICY

ADMINISTRATIVE OPERATIONAL PROCEDURES

800 – Schools and Community Councils **No. 800.3**

Adopted Date: April 28, 1998 Latest Reviewed/Revised Date: September 8, 2026

DEFINITION OF A COMPLAINT

A complaint is defined as any verbal or written communication expressing dissatisfaction with the application of policies, procedures, programs and services, the actions of an employee, or the Niagara Catholic District School Board. In order to facilitate an investigation, a complainant will be required to submit a verbal complaint in writing to the appropriate individual. Written complaints must be signed and dated by the complainant.

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

An anonymous or pseudonymous complaint or material of an illegal, abusive or protection matter will be referred to the appropriate party or parties; such as, the Niagara Regional Police Service and/or Family and Children Services of Niagara. 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 in accordance with subsection 72(1) of the *Child and Family Services Act.*

A complaint/inquiry by a parent/guardian will be addressed following the steps in PPM 170 and the Niagara Catholic Communication Protocol for Parent Inquires.

INVESTIGATION

Wherever possible, all complaints are to be dealt with at the school or site level, with the employee involved, providing that the complaint is not frivolous or vexatious, as determined by the supervisor of the employee, in consultation with a Family of Schools' Superintendent of Education, or the Chief Human Resource and Communications Officeror the Controller of Facilities Services, in accordance with the Processing of Complaint section of these Administrative Operational Procedures.

A written complaint received by a supervisor regarding an employee, other than the immediate supervisor of the employee, will be redirected to the immediate supervisor of the employee.

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

A trustee who receives a complaint will contact the Chief Executive Officer.

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

A complaint between employees will follow the process outlined within this Policy and Administrative Operational Procedures. 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.

TEACHING STAFF

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.

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,
- will be provided with the specific allegations being made and an opportunity to respond to the allegations set out in the complaint
- will, unless determined by the Niagara Regional Police Service or Family and Children Services of Niagara, be given the name of the individual submitting the complaint and provided with a copy of the complaint,
- will be informed of the process, determination and resolution, if any, of the complaint.

No record of a complaint will be kept in the personnel file of the employee, unless disciplinary action was determined by the Chief Executive Officer/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 are Principals, Vice-Principals, Administrators, the Chief Executive Officer, Superintendents, the Executive Officer of Human Resources Services, and the Controller of Facilities Services.

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 Chief Executive Officer, 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 Chief Executive Officer for advice.

When a conflict of interest is declared by a Superintendent, the Chief Human Resource and Communications Officer or the Controller of Facilities Services, the Chief Executive Officer will either reassign the complaint to another Superintendent of Education or hear the complaint.

When a conflict of interest is declared by the Chief Executive Officer, the Chief Executive Officer 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 CHIEF EXECUTIVE OFFICER OR A MEMBER OF SENIOR STAFF

When a complaint is filed against the Board, the Chief Executive Officer will notify the Chair 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 Chief Executive Officer, the Chief Executive Officer or the Chair 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, the Executive Officer of Human Resources Services, the Superintendent of Business and Financial Services or the Controller of Facilities Services, the Chief Executive Officer will investigate the complaint. An appeal of the decision by the Chief Executive Officer may be made to an In-Camera Meeting of the Board.

PROCESSING OF COMPLAINT

The appropriate Board staff will endeavour to address a complaint 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**
   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 Immediate Supervisor of the Employee**
   The complainant will be referred to the supervisor of the employee to discuss the concern and attempt to resolve the matter. If not satisfactorily resolved, then;

3. **Complainant and Superintendent of Education/ Executive Officer of Human Resources Services/ Controller of Facilities Services**
   The complainant will be referred to the appropriate Superintendent of Education, or the Chief Human Resource and Communications Officeror the Controller of Facilities Services to discuss the concern and attempt to resolve the matter. If not satisfactorily resolved, then;

4. **Complainant and Chief Executive Officer**
   The complainant will be referred to the Chief Executive Officer 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 as an appeal to the decision of the Chief Executive Officer. This request shall be made in writing. The request will follow the *Board By-Laws Policy (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 supervisor, or in the case of an appeal to the In-Camera Meeting of the Board, the Chief Executive Officer may meet with all parties involved with the complainant to discuss the resolution of the complaint and to endeavour to facilitate an opportunity for reconciliation between the parties.

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