

NON-ACADEMIC APPEALS

These procedures are established to ensure that student complaints about Faculty Members and other university employees are dealt with in a fair and equitable manner. These procedures are in addition to, and do not replace, existing regulations and policies of Memorial University of Newfoundland, except where noted. These procedures will not contravene any provision of any collective agreement in force at Memorial University.

These procedures replace the procedures entitled "Students Complaints" dated November 5, 1979 and the "Complaints Policy" found in the Memorial University of Newfoundland Graduate Handbook 1995-1996, pages 45-48.

DEFINITIONS

"Appropriate Vice-President" means

(a) in the case of a Faculty Member, Librarian, Instructor, employee of the Registrar's Office, or a staff member reporting to a Department Head, Division Head, Dean, Director of a School, Principal, University Librarian, Executive Director of the School of Continuing Education, or the Executive Director of the Fisheries and Marine Institute, the Vice-President (Academic) or his or her designate;

(b) in the case of an employee in the Office of Research, International Programs, Animal Care and Technical Services, the Vice-President (Research and International Programs) or his or her designate;

(c) in the case of any other employee, the Vice-President (Administration and Finance) or his or her designate.

"Employee" means a full-time, part-time, or contractual employee of Memorial University of Newfoundland. This includes but is not limited to academic administrators, faculty, librarians, staff, directors, administrative personnel, and Teaching Assistants, Graduate Assistants, Research Assistants and any other student assistants.

"Student" means an individual currently registered, or who has been registered within the previous twelve (12) months, as a student at Memorial University of Newfoundland. These procedures apply to all students: undergraduate, graduate, full-time and part-time.

"Unit" includes:

(a) an Academic Department in the Faculty of Arts;

(b) an Academic Department in the Faculty of Science;

(c) an Academic Division at Grenfell Campus;

(d) an Academic Division at the Fisheries and Marine Institute;

(e) a Faculty which does not have Departments;

(f) a School;

(g) an Office of the University or of the Fisheries and Marine Institute as listed in the University Calendar or the Marine Institute Calendar;

(h) a Department of the University or of the Fisheries and Marine Institute as listed in the University Calendar or the Marine Institute Calendar.

"Administrative Head" means the person in charge of a Unit.

ACADEMIC COMPLAINTS

These procedures do not cover decisions made on academic matters such as the assignment of grades, methods of evaluation, and course structure and methods. Students who have a complaint of an academic nature should, in the first instance, speak to their instructor. If they are not satisfied with the instructor's response, they may take their concerns to the Department or Division Head, Dean or Director (as appropriate). Students who are dissatisfied with decisions resulting from this approach are directed to the appropriate Academic Appeal Procedures as specified in the General Academic Regulations (Undergraduate) or the Graduate Studies General Regulations.

OFFICE OF STUDENT AFFAIRS AND SERVICES

The Office of Student Affairs and Services is available to assist in the informal resolution of student complaints. The Office will help the student with managing these procedures. If the complaint is about an employee of the Office of Student Affairs and Services, the Dean, Director, Principal or Executive Director (as the case may be) of the student's academic unit will substitute for the Office of Student Affairs and Services.

If the student having a complaint is a student of the Fisheries and Marine Institute, the Guidance/Student Affairs Office at the Fisheries and Marine Institute will substitute for the Office of Student Affairs and Services throughout these procedures. At Grenfell Campus, the Coordinator of Student Affairs and Services will substitute for the Director of Student Support Services in the Office of Student Affairs and Services wherever this position is mentioned.

TIMELINESS

See paragraph 18 below for the time deadline for filing a formal complaint. There are no time lines laid down for the processing of student complaints once they are filed nor for appeals. However, it is expected that necessary investigations will be carried out and recommendations or decisions will be reached in a timely manner, having regard to the circumstances of each case. In the case of complaints about faculty members or librarians covered by the collective agreement with MUNFA, any complaint must be resolved no later than 70 working days after the complaint is filed. Note that there is a time limit on filing a complaint in paragraph 19 below. To this end, an initial meeting between the complainant and a representative of the Office of Student Affairs and Services or the administrator investigating the complaint should take place no later than 10 working days following the receipt of the complaint. In all cases involving a formal complaint against an employee covered by a collective agreement, the Division of Labour Relations must be consulted about procedures to be followed which are mandated by collective agreements.

SEXUAL HARASSMENT

All matters having to do with sexual harassment are dealt with under the University-Wide Procedures on Sexual Harassment Complaints, November 2001. Students should seek the advice of or be referred to the Memorial University Sexual Harassment Advisor. Students should note that, in the case of Faculty and Librarians, discipline for sexual harassment can only be imposed by the University under the University-Wide Procedures on Sexual Harassment Complaints, November 2001.

INFORMAL RESOLUTION

Students should always attempt to resolve their differences with employees informally where possible and where circumstances warrant. Students may, nevertheless, commence a formal complaint without first attempting an informal resolution.

When a student has reason to believe that a complaint about an employee is warranted, the student may bring an informal complaint to the employee's immediate Supervisor or to the Administrative Head. Where an informal complaint arises in the Faculty of Arts or the Faculty of Science, the complaint should be brought to the Department Head though in exceptional circumstances the student may bring a complaint to the Dean. At Grenfell Campus, informal complaints should be brought to the Division Head or the Vice-Principal. At the Fisheries and Marine Institute, the student may bring an informal complaint to the administrative head. In non-departmentalized Faculties and Schools, informal complaints should be brought to the Dean or Director (as appropriate). The student is encouraged to bring informal complaints to the most immediate supervisor of the employee complained about. The person receiving the complaint should, where feasible, attempt an informal resolution satisfactory to the student and the person about whom the complaint was made.

An informal complaint may be made orally or in writing. No documentation may be placed in the personal file of an employee as the result of a complaint that is not made in writing and signed.

When an informal complaint is presented in writing, its receipt shall be acknowledged in writing to the complainant within three working days of receipt.

No formal discipline will be applied to an employee as a result of a successful informal process.

A copy of any informal written complaint and the resolution to that complaint will be placed in the employee's personal file in the Department of Human Resources. However, in the case of Faculty Members and Librarians covered by the collective agreement with MUNFA, if no subsequent complaint is made against the employee by the same complainant and no complaint of the same nature is made against the employee by a different complainant within one year of the original complaint, all material referencing the original complaint and related complaints shall be removed from the employee's personal file.

FORMAL COMPLAINT

If no informal resolution is attempted or if no informal resolution satisfactory to the student is achieved, then the student may present a formal written complaint to the Director of Student Support Services in the Office of Student Affairs and Services (at Grenfell Campus, the Coordinator of Student Affairs and Services). The Office of Student Affairs and Services shall not receive a complaint concerning an act or omission which occurred more than six months prior to presentation of the formal complaint. Formal written complaints will be acknowledged in writing within three working days of receipt.

A representative of the Office of Student Affairs and Services will meet with the student either at the time of, or as soon as reasonably possible after, presentation of the formal complaint. The student may be accompanied at this or any other stage by a fellow student of his or her choice. The Office of Student Affairs and Services may require that the student provide additional oral or written information which may assist in an understanding of the complaint or which may be of assistance in any ensuing investigation.

If the representative of the Office of Student Affairs and Services learns that no attempt at an informal resolution was made, and if the circumstances surrounding the complaint are such that an informal resolution appears possible, the student will be encouraged to withdraw the formal written complaint and attempt an informal resolution. Any such conversion to an informal process should occur within 10 (ten) working days of receipt of the formal complaint.

Upon being satisfied that he or she has an adequate grasp of the student's complaint, the Dean of Student Affairs and Services will inform the appropriate Vice-President of the complaint, regardless of the Dean's judgement as to its merits. Where the student filing the complaint is a student of the Fisheries and Marine Institute, the Guidance/Student Affairs Office will first refer the matter to the Head, Division of Degree Studies and Research at the Institute who will then

inform the appropriate Vice-President of the complaint. The Vice-President will inform the student that he or she has received the complaint and will cause such investigation into the complaint to be made as the Vice-President deems to be necessary in the circumstances. At a minimum, the investigation will include separate interviews with the student and the person complained about. In all such cases, the person complained about will be given a copy of the formal complaint prior to the interview, subject only to the preservation of the student's anonymity in accordance with paragraph 23 below. In the case where a complaint is handwritten, a typed copy, with name removed, will be provided to the person complained about.

The Vice-President will consult with the Division of Labour Relations and will adhere to any applicable requirements of the relevant Collective Agreement or of the Terms and Conditions of Employment for Teachers or of the Terms and Conditions of Employment for Non Bargaining Unit Employees, as the case may be.

In the case of a complaint about an employee who is teaching or supervising the student, the name of the student will not be disclosed to the employee until after grades are submitted or supervision for that semester is completed. The student should be aware that, in some cases, this may delay the investigation of the complaint. The student may authorize disclosure of his or her name to the employee prior to submission of grades or completion of supervision. In the case of a complaint by a graduate student about a supervisor of work that extends beyond the end of a semester, the Vice-President and the Dean of Graduate Studies will make their best efforts to find a new supervisor if that is the student's wish. In any case, where the complaint is about an employee who is teaching or supervising the student, the student's identity will be made known to the person complained about no earlier than the date that final grades are submitted. The Vice-President may take such additional steps as he or she considers reasonably necessary to protect the student.

Following any investigation which the Vice-President may consider to be necessary and after consideration of the case, he or she will make such recommendation or such decision as he or she deems to be appropriate in the circumstances of the case.

At any time during the Formal Complaint process, the Vice-President may attempt an informal resolution which is satisfactory to all parties.

FINAL DECISION

The recommendation or decision of the appropriate Vice-President on a student complaint will be communicated to both the student and the person complained about. If the Vice-President decides not to take action against the employee complained about, he or she shall include reasons for this decision in his or her communication to the student and shall similarly notify the employee complained about. In these circumstances, all materials related to the complaint shall be removed from the employee's personal file.

The recommendation or decision of the appropriate Vice-President on a student complaint is final and not subject to appeal by the student except at the discretion of the President or the Board of Regents.

EMPLOYEE RIGHTS RETAINED

An employee affected by a recommendation or decision resulting from a complaint may have recourse to applicable dispute resolution mechanisms in his or her Collective Agreement or in the Terms and Conditions of Employment for Teachers or in the Terms and Conditions of Employment for Non Bargaining Employees, as the case may be.

When an employee wishes to make a complaint against a student, the policies and procedures outlined in this document shall apply mutatis mutandis to the processing of such complaints.

Questions and Answers

Q: What are these procedures about?

A: These procedures describe how students may deal with inappropriate, unfair or objectionable conduct by employees of the University. They do not cover complaints concerning sexual harassment or academic judgment. Examples of complaints that might be made are:

- an instructor is frequently late for class
- an instructor wastes time on topics not relevant to the course
- a staff member is rude to a student
- a staff member refuses to provide a normal level of service

Q: Who was involved in the development of these procedures?

A: The Vice-President (Academic) was responsible for developing these procedures. However, many individuals and groups were consulted including MUNSU, the GSU, MUNFA, the President, the other vice-presidents, and the deans and directors of faculties and schools.

Q: Do these procedures cover complaints concerning all employees or just faculty?

A: It covers all employees.

Q: Do these procedures cover complaints about grading?

A: It depends. Most often, it will not. If you are not satisfied with your grade, you should see your instructor. If you don't get a satisfactory answer and you genuinely think you were treated unfairly, see the head of the department (or the dean/director where the faculty or school is not departmentalized).

Q: If I am upset at what some employee did, but I don't want to go through the hassle of filing a complaint, what can I do?

A: In nearly every case, whether you feel like filing a complaint or not, it is much better to approach the employee who did the thing that upset you. Tell her or him why you are upset. Problems are far more easily solved in this way than by filing a formal complaint.

Q: Where do I file a complaint?

A: If you are a student on the main campus in St. John's or at Grenfell Campus, see the Office of Student Affairs and Services. If you are a student at the Marine Institute, see the Guidance/Student Affairs Office.

Q: Will the Office of Student Affairs and Services help me with my complaint?

A: Yes, but only by helping you manage the procedural aspects of this document. No one from the Office of Student Affairs and Services will represent you or argue your case.

Q: How long do I have to file a complaint?

A: You have 6 months. But remember that people forget things over time. In general, it is better not to delay.

Q: How can I complain about a professor when I'm still in his class? Won't my grade be affected by the fact I complained about him?

A: In a case like this, the complaint will be processed, but your identity will be withheld until after the grades have been submitted. If need be, your handwritten complaint will be typed with no name identifier present.

Q: Will I find out what happened as a result of my complaint?

A: Yes. You will be informed in writing.

Q: What if I am unhappy at the result?

A: If you genuinely believe your complaint was not handled properly, you may write to the President of the University (to appeal a decision by a Vice-President) or to the Board of Regents (to appeal a decision of the President). However, neither the President nor the Board is obliged to consider your appeal. It is a bit like the appeal courts; they do not hear every case that comes along. They exercise judgment and may decide that a particular appeal has absolutely no basis and will refuse to consider it.

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