

	<i>Responsible Office or Department:</i>	Dean of Students
	<i>Effective Date:</i>	4/1/2021
<b><i>Non-Academic Student Grievance Policy (Ontario)</i></b>		

**PURPOSE:**

Niagara University is committed to ensuring that all members of the University community demonstrate respect, fairness, and kindness in their interactions with one another in order to build and sustain healthy relationships that are free from harassment and discrimination. This policy provides opportunity for students to raise concerns through an official grievance process and to ensure that these concerns will be dealt with in a just and fair manner.

**SCOPE:**

**I. Grievances Specifically Excluded from this Process:**

- a. Complaints directly related to academic integrity, grade appeal, Student Code of Conduct, Student-Athlete Code of Conduct, and matters controlled by NUSGA bylaws are exempt from this policy and should be resolved via the procedures in the relevant policies and controlling documents.
- b. Students concerned that a disrespectful or unfair act was based in part or wholly on the basis of discrimination based on race, color, gender, sexual orientation, military status, disability, predisposing genetic characteristics, marital status, or other status, should consult the Title IX Coordinator before taking any action under this policy.
- c. Complaints brought against faculty members under this process are handled in accordance with the provisions outlined in the most recent Collective Bargaining Agreement and Board of Trustees' Policy on Termination of Faculty and Emeritus Status.
- d. This is an educational process for people working in an academic community to work towards common ground. While the university encourages any person wronged to avail themselves of any resource they need, allegations of criminal or civil liability, which often have implications beyond the university, may result in proceedings under this process being referred to appropriate legal channels, without resolution and without completion of all steps.
- e. Claims based on purchases or contracts;

f. Claims against a university employee on matters that are unrelated to the employee's job or role at the university.

## **II. Actions Warranting Grievance**

An action or decision may be grieved pursuant to this Policy only if it involves a misapplication or misinterpretation of university policy, standard, regulation, or procedure, or a violation of state, provincial or federal law. Students needing further guidance as to what constitutes basis for a grievance should consult the Dean of Students.

## **III. Oversight of the Student Grievance Policy**

If any situation occurs that is not covered in the procedure of this policy, the Dean of Students will issue guidance consistent with the overall fair and respectful spirit of the policy. This decision regarding the procedure to be followed will be final.

## **IV. Revision of this Policy**

Any revision of this policy must be approved by the Dean of Students, consulting as needed with student leadership, the Policies and Procedures Review Committee and Senior Administration.

## **V. Groups of Students with Complaints**

Should a group of students wish to complain about a shared grievance, the group of students may meet the Dean of Students and follow the same steps for individual grievance. However, at any point a student may enter his or her own grievance, starting at Step 1.

## **TERMS and DEFINITIONS:**

1. The definition of an "Academic Day" is the same as the definition in the Niagara University Academic Integrity Policy.

## **MAIN PROVISIONS:**

### **Introduction**

Niagara University is committed to respect and fairness. The following steps are set out to ensure clear, prompt, and fair procedure for resolving student concerns under the purview of this policy in a fair and just manner.

The procedures set forth below shall be used by students enrolled at Niagara University bringing a grievance ("grievant"). In order for a grievance to be filed under this policy, the

grievant must have experienced the perceived misapplication or misinterpretation of university policy, standard, regulation, or procedure, or violation of state, provincial or federal law.

Students may elect to have a person present with them at all stages of the proceedings.

The student also retains the right to have said person make submissions on his or her behalf,

This Policy does not prohibit a grievant from also filing claims in other forums to the extent permitted by national, state, provincial, or local law or by applicable accrediting agencies.

The formal resolution process described below must be initiated within 30 business days of the decision, action, or events giving rise to the grievance. The Dean of Students may extend this time limit at his or her discretion if good cause is shown.

### **Informal Resolution**

Before a grievance can proceed to the formal resolution process, the grievant must have discussed the concern with the person he or she alleges to have caused the grievance (the “respondent”) in an attempt to resolve the concern. This requirement may be waived if the grievant has a reasonable basis for believing, as determined at the discretion of the Dean of Students, that such a discussion may result in physical injury, severe emotional distress, retaliation, or discrimination. Where the respondent does not respond to the grievant’s attempts at discussion, or where an equitable solution cannot be found, the case will proceed through the formal resolution process outlined below.

### **Formal Resolution**

Where an informal resolution was not successful, the complainant shall file a written request for review with the Dean of Students. The request must:

- Provide the names of all respondents;
- State the law or university policy, standard, procedure, etc. that has allegedly been misapplied or misinterpreted;
- State how the decision or action was unfair and/or harmful to the grievant;
- State how the respondents are responsible for the action or decision; and
- State the requested remedy.

The Dean of Students will review the request. If it is clear that the grievance has not been filed within the time limit, or that the grievance pertains to a matter not applicable under this Policy, or that it comes from a person without the right to issue a complaint, the Dean of Students will dismiss the case and notify the grievant in writing.

If the grievance is not dismissed, the Dean of Students will review the information provided, gather any additional information required, and formulate a decision within 15 business days of

receipt of the request. If the respondent is the Dean of Students, the Vice-President for Student Affairs will appoint another University administrator to issue a decision. Once a decision has been made, it will be recorded by the University, and the grievant and respondent(s) will be notified of the decision in writing.

### **Final Appeal**

If the resolution provided by the Dean of Students or the appointed University administrator is not satisfactory to the grievant or respondent, that person may file a request for reconsideration via a final appeal. Such a request must be submitted in writing to the Vice-President for Student Affairs within 5 business days of receipt of the original decision.

The Vice-President for Student Affairs will review the information provided concerning the grievance, the request for reconsideration, and details regarding the grievant's desired remedy. Vice-President for Student Affairs will issue a final decision within 15 business days of receiving the request for reconsideration. The decision of the Vice- President for Student may include one of the following options:

- A determination that the complaint was valid;
- A determination that the complaint was not valid; or
- A modification of the remedy proposed by the Dean of Students.

The Vice-President for Student Affairs will forward his or her decision to the grievant, respondent and the Dean of Students. The decision of the Vice-President for Student Affairs is final and cannot be appealed.

Note: If the Vice-President for Student Affairs is the subject of the grievance, the Executive Vice President will designate another administrator to determine the final appeal. The appointed administrator's decision is final.

The maximum length of time for a grievance to be decided is 35 days from the official filing date of the grievance.

### **PROCEDURES:**

1. The Grievance Tracking Form documents the steps of the grievance process. It is designed to ensure that the specified timelines of the grievance process have been adhered to and to provide information for future statistical data. This form will be completed by the Dean of Students. Following resolution of the grievance, the form is filed in the office of the Vice-President of Student Affairs.

<b>Grievance Tracking Form</b>		
<b>Grievance</b>		
<b>Name of Student</b>		
<b>Name of Staff/Student</b>		
<b>Name of Ombudsman</b>		
		<b>Notes on Resolution/Next Step</b>
<b>Date Ombudsman Appointed</b>		
<b>Statement and Explanation of the Grievance</b>		
<b>Date of informal Meeting</b>		
<b>Date of Step 1</b>		
<b>Date of Step 2</b>		
<b>Date of Step 3</b>		
<b>Date of Step 4</b>		
<b>Date of Step 5</b>		
<b>Date of Step 6</b>		

**IX. Grievance Tracking**

At the end of each academic year, the Dean of Students will review the grievances filed through his or her office and provide a written report of his or her findings to the Vice- President of Student Affairs, who in turn will create a report that will be presented to the Academic Senate at one of the fall meetings of the next academic year.

**ADDITIONAL INFORMATION:**

None

**POLICY HISTORY:**

- Originated: 4/1/2021
- Current Effective Date: 4/1/2021
- Next Review Date: **4/1/2023**
- Revision/Renewal Log:
  - None