

## **F1002 – CONCERNS ABOUT INSTRUCTION AND COURSE DELIVERY**

### **PROCEDURES**

#### **I. INITIATING A CONCERN**

A concern must be initiated no later than 10 business days following the date on which the final grades are posted.

#### **II. INFORMAL PROCESS**

1. The student is encouraged to bring forward an initial concern directly to the instructor.
2. The instructor shall respond within five business days. Discussions may be conducted face-to-face or electronically. The student may bring a support person to meetings provided that the instructor has been given prior notice. For the purpose of these procedures, a support person is an individual who attends a meeting with a student to provide emotional support.
3. The student can advance the concern to the Department Chair, Assistant Department Chair, Coordinator, or Continuing Studies Program Coordinator/Manager in the following circumstances:
  - a) the student is uncomfortable discussing the concern with the instructor;
  - b) the instructor is not responding and/or is unavailable;
  - c) the matter remains unresolved.

The Department Chair, Assistant Department Chair, Coordinator, or Continuing Studies Program Coordinator/Manager may coordinate a facilitated discussion with the student raising the concern and the instructor, after consulting with the Division Chair or Continuing Studies Manager/Director.

If the Department Chair, Assistant Department Chair, Coordinator, or Continuing Studies Program Coordinator/Manager is the subject of the concern, the student will discuss the concern with the Division Chair or Continuing Studies Manager/Director.

If the parties are satisfied with the outcome of the discussion, the matter will be considered closed. The Division Chair or Continuing Studies Manager/Director will confirm this in writing to the parties.

#### **III. REQUEST FOR FORMAL INVESTIGATION**

Formal investigations consist of two phases:

Phase 1: Assessment

Phase 2: Investigation

If a concern about instruction is not resolved through the informal process, a student may request to have the concern investigated through a formal process. Requests for a formal investigation must be in writing to the Division Chair or Continuing Studies Manager/Director and must include the following:

- Student name, student number, and contact information
- Instructor name, contact information if known
- Course name and number
- Detailed description of the incident(s) including dates and time frames
- A list of any witnesses and contact information
- Date and signature of the student

### **Suspending or Withdrawing from a Formal Investigation**

At any point during the formal investigation process, the parties may agree to suspend the investigation in order to try to resolve the matter. If they are successful in resolving the matter, the investigation will cease, and the matter will be closed.

A student may withdraw from a formal investigation by making a written request to the Division Chair or Continuing Studies Manager/Director. Upon receipt of a request to withdraw, the investigation will cease, and the parties will be notified.

### **PHASE 1: ASSESSMENT**

The purpose of the Assessment Phase is to determine if the evidence available at this time suggests the Concern should be advanced to a Formal Investigation.

The College reserves the right to accept or reject a student's request for a formal investigation based on a preliminary assessment of the nature and substance of the concern. Those concerns deemed frivolous or vexatious will be dismissed.

An individual not previously involved with the matter will be appointed by the Dean as an Assessor. They will review the student's written complaint and any other relevant and available information and provide a preliminary summary to the Dean.

The Dean will review the summary information and determine whether the matter will proceed to a formal investigation and notify the student and the instructor of their decision in writing.

### **Retention of Assessment Materials**

If the Dean decides the Concern will not proceed to formal investigation, all materials gathered during the Assessment will be retained for one year after the decision is made according to Policy B5001 – Privacy and Access, and then confidentially destroyed.

If the Dean decides the Concern will proceed to formal investigation, the materials gathered during the Assessment will form part of a Formal Investigation.

The Dean will appoint a formal investigator.

## **PHASE 2: INVESTIGATION**

The purpose of the formal investigation is to determine the following:

- a) If the alleged behavior occurred, and
- b) If the behaviour is a contravention of the Concerns About Instruction and Course Delivery Policy.

Any investigation shall conform to the principles of natural justice and procedural fairness. Investigations will meet all provisions outlined in the applicable Collective Agreement or terms of employment between Langara College and the instructor.

## **INVESTIGATIVE PROCEDURES**

The investigator will meet with or otherwise communicate with the student and instructor to:

- a) Review the allegation(s),
- b) Outline the scope of the investigation in writing, the investigation process, and any limits to the investigation,
- c) Review support options that may be available, and
- d) Obtain any additional information or material relevant to the investigation.

The investigator has the authority to interview the student, the instructor, witnesses, or other affected parties, review written statements, notes, logs, papers, assignments, digital and print records, and any other relevant material.

The investigator shall:

- a) Fairly and objectively review information gathered during the investigation, including matters of credibility;
- b) Determine, on the balance of probabilities based on the preponderance of evidence, if a) the alleged behavior occurred and if so, b) if the behavior is a breach of the Policy;
- c) Prepare a written report outlining the conclusions for the Dean.

The investigator shall not recommend administrative action or penalties.

The Dean is responsible for notifying the student who brought the concern forward and the instructor who is the subject of the concern, of the conclusion of the investigation.

The formal investigation will normally conclude within 30 business days and the final report will be kept in a confidential file located in the People and Culture department.

### **SUPPORT DURING FORMAL INTERVIEWS**

A student who wishes to have a support person attend a meeting must make independent arrangements.

- a) The student must provide the name and role of the support person 24 hours before a meeting. Not providing advance notice may result in the meeting being re-scheduled or the support person being excluded from the formal interview.
- b) A support person who is a member of the College community must have no previous involvement in the matter.
- c) A person who is not a member of the College community may not attend this meeting without prior consent.
- d) A support person does not participate in or provide comments during the meeting.

The investigator shall advise a unionized instructor, in writing, of the right to have a union representative present during any formal interviews.