



Policy Number	34
Approval Date	May 2022
Implantation Date	September 2022
Approved By	President, VP of Operations
Upcoming Review	September 2027
Amended	February 2023

Dispute Resolution Policy

Purpose

ACATCM promotes an environment of fairness and safety. This policy serves as a guide in the event of a complaint against a member of the ACATCM community.

Scope

This policy applies to all members of the ACATCM community.

Definitions:

Complainant:

The party who brings forward an allegation of harassment or discrimination.

Respondent:

The party against whom an allegation of harassment or discrimination is made.

Complaint:

The complaint includes the initial or any subsequent complaint of harassment or discrimination and/or a complaint of retaliation.

Policy

All disputes and complaints are to be held in confidentiality. This policy will be held in accordance with the principles of natural justice.

Any individual who makes or is otherwise involved in a dispute and complaint will not be subject to any form of retaliation by the College at any time.

All participants in the dispute resolution process are to maintain strict confidentiality except where disclosure, with the permission of the complainant, may be required to discreetly gather information to support a complainant or respondent, to implement the resolution of a complaint or to monitor terms of resolution.

Student Complaint Against Student

In the case of a student vs student incident reports will be taken with serious and confidential focused attention. Individual(s) reporting incidents are recommended to keep record of incident (time, place, witnesses, response to incident).

There are two ways that a resolution can occur:

Informal Complaint Procedure

1. If a Complainant is comfortable doing so, they should attempt to resolve the issue directly with the concerned party. If the complaint is about behavior, it may be that the person was unaware of the impact of their conduct.
2. If the Complainant is not comfortable attempting to resolve the issue directly with the party concerned or if self-resolution is not successful, they can make a formal complaint.
3. In the case of a complaint of harassment, discrimination, or sexualized violence, the complainant may proceed with the "*Harassment and Discrimination Policy and Procedures*".

Formal Complaint Procedure

1. If the person submitting the complaint wants to proceed further with their complaint, the person has to submit a written complaint to the Dean of Students within 3 months of the incident. The written complaint should contain information regarding the alleged harassment, discrimination, safety concerns, or any issues of concern. Statement must include:
 - a. Name of parties involved
 - b. Date and time of event, if applicable
 - c. Written complaint
 - d. Response to event, if applicable
 - e. Desired resolutions
2. The Dean of Students will meet with the student to discuss the concern and desired resolution as soon as possible but within five (5) business days of receiving the student's written concern.
3. The written statement provided by the student registering the complaint will be shared with the Respondent. The Respondent has 5 business days to respond in writing to the allegation. In the event of a serious complaint, the Respondent will also be provided with time to consult with a lawyer if they choose to.
4. Following the meeting with the student, the Dean of Students will conduct whatever enquiries and/or investigations are necessary and appropriate to determine whether the student's concerns are substantiated in whole or in part. Those enquiries may involve further discussion(s) with the student either individually or with appropriate ACATCM personnel. All communications must be in writing.
5. The necessary enquiries and/or investigations shall be completed, and a response provided in writing to all involved as soon as possible but no later than 30 days following the receipt of the student's written concerns.
6. If it is determined that the student's concerns are not substantiated, the College will provide a written explanation of the decision and deny the complaint; or
7. If it is determined that the student's concerns are substantiated in whole or in part, ACATCM will propose a resolution.
8. If it is determined that a formal investigation is warranted, it will be conducted in a reasonable time frame after receiving the Respondents' response.
9. If the Dean determines that there was such violation a judgement will be given to the severity of discipline up to and including expulsion.

- a. In the event of an expulsion, the Dean of Students must consult and receive approval from the President.
10. The Respondent may request an appeal by submitting a written document requesting an appeal.
 11. The Vice-President of Academic Affairs will review an appeal case. The Vice-President of Academic Affairs will decide if the Dean of Academic's decision stands or provide a new judgment on the issue. The Vice-President of Academic Affairs will have second decision on the case and is allowed to make the decision within 10 business days. The Vice-President of Academic Affairs may also interview any parties related to the appeal.
 12. The Vice-President of Academic Affairs will consider all the relevant documentation and may consult with other departments for a final decision.
 13. Students not satisfied with the Vice-President of Academic Affairs decision are able to submit a written request for an Appeals Hearing to the Academic Council.

Faculty Members Against Student

Disputes between faculty members and students are to held in confidentiality and handled in a professional manner.

1. If a faculty member suspects an academic or non-academic violation has occurred:
 - a. The instructor will speak to the student, allowing the student to clarify or contest the concern;
 - b. The instructor will allow the student to provide evidence;
 - c. The instructor will decide if an academic violation did or did not occur.
2. If an academic violation was determined the instructor will need to:
 - a. Notify the Dean of Students within 3 days of the incident;
 - b. Notify the student within the 3 days so the student has the ability to appeal.
3. The Dean of Students will exam the case and decide within 5 business days if the academic violation occurred or is dismissed.
4. The Dean will contact the person in question of the offence to hear their explanation of event and will look at the evidence provided and determine if there was an offence.
5. If the Dean determines that there was such violation a judgement will be given to the severity of discipline up to and including expulsion.
 - a. In the event of an expulsion, the Dean of Students must consult and receive approval from the President.
 - b. The Dean of Students will consult with the Director of Finance and Human Resources and relay his findings to the faculty members department head and the Human Resource department.
6. The Vice-President of Academic Affairs will review an appeal case. The Vice-President of Academic Affairs will decide if the Dean of Students decision stands or provide a new judgment on the issue. The Vice-President of Academic Affairs will have second decision on the case and is allowed to make the decision within 10 business days. The Vice-President of Academic Affairs

may also interview any parties related to the appeal. The Vice-President of Academic Affairs may consult with the Human Resource office.

7. The Vice-President of Academic Affairs will consider all the relevant documentation and may consult with the office of Student Affairs, Academic Affairs, Registrar, and for a final decision.
8. Students not satisfied with the Vice-President of Academic Affairs decision are able to submit a written request for an Appeals Hearing to the Student Affairs office.

Student Against ACATCM Member

Disputes between ACATCM members and students are to held in confidentiality and handled in a professional manner.

Informal Complaint Procedure

1. If a Complainant is comfortable doing so, they should attempt to resolve the issue directly with the concerned party. If the complaint is about behavior, it may be that the person was unaware of the impact of their conduct;
2. If the Complainant is not comfortable attempting to resolve the issue directly with the party concerned or if self-resolution is not successful, they can make a formal complaint.

Formal Complaint Procedure

1. If the person submitting the complaint wants to proceed further with their complaint, the person has to submit written complaint to the Dean of Students within 3 months of the incident. The written complaint should contain information regarding the alleged harassment, discrimination, safety concerns, or any issues of concern. Statement must include:
 - a. Name of parties involved
 - b. Date and time of event, if applicable
 - c. Written complaint
 - d. Response to event, if applicable
 - e. Desired resolutions
2. The written statement provided by the student registering the complaint and it will be shared with the Respondent. The Respondent has 5 business days to respond in writing to the allegation. In the occurrence of a serious complaint the Respondent also will be provided time to consult with a lawyer if they choose to.
3. If it is determined that a formal investigation is warranted, it will be conducted in a reasonable time frame after receiving the Respondents' response.
4. If the Dean determines that there was such violation a judgement will be given to the severity of discipline up to and including removal from the school.
 - a. The Dean of Students will consult with the Director of Finance and Human Resources and relay his findings to the faculty members department head and the Human Resource department.
 - b. In the event the ACATCM Member violation, Human Resource department will be an equal party in the judgement with the Dean of Students.
5. The Respondent may request an appeal by submitting a written document requesting an appeal. This must be done within 14 days of the Dean of Students' decision.

6. The Vice-President of Academic Affairs will review an appeal case and will decide if the Dean of Students decision stands or provide a new judgment on the issue. The Vice-President of Academic Affairs will have second decision on the case and is allowed to make the decision within 10 business days.
7. The Vice-President of Academic Affairs will consider all the relevant documentation and may consult with the office of Student Affairs, Academic Affairs, Registrar, and Human Resources office for a final decision.
8. Students not satisfied with the Vice-President of Academic Affairs decision are able to submit a written request for an Appeals Hearing to the Student Affairs office.

Faculty Members Against ACATCM

Disputes between ACATCM and faculty members are held in confidentiality and handled in a professional manner. There are progressive levels that a faculty member or organizational level can communicate.

Informal Complaint Procedure

1. If a Complainant is comfortable doing so, they should attempt to resolve the issue directly with the concerned party. If the complaint is about behavior, it may be that the person was unaware of the impact of their conduct;
2. A Human Resource member will try to speak directly to the parties and encourage discussion and mediation;
3. If the Complainant is not comfortable attempting to resolve the issue directly with the party concerned or if self-resolution is not successful, they can make a formal complaint.

Formal Complaint Procedure

1. Submit written complaint to Human Resources;
2. The written complaint must include
 - a. Name of parties involved;
 - b. Date and time of event, if applicable;
 - c. Written complaint;
 - d. Response to event, if applicable;
 - e. Desired resolutions.
3. The Human Resources will contact faculty member and other party within 3 business days of complaint submission of receipt of the complaint.
 - a. Human Resources will allow both parties the opportunity to communicate their views points;
 - b. Human Resources will ask parties to submit evidence based on their statements, if applicable;
 - c. Human Resources may ask the Personnel Administration Committee to evaluate complaint and provide feedback;
 - d. Human Resources will deliberate and inform parties of conclusion and results;
 - e. If Human Resources deems that the complaint was valid, the faculty or staff member that the complaint was directed to will have the complaint recorded in their personal file.

Faculty have up to 3 months to lodge a complaint with Human Resources. In the case where a faculty member wants to appeal the human resources decision, they are able to request the Personnel Administration Committee to review their appeal. Any decision from the Personnel Administration Committee is final.

If there a problem that ACATCM has with a faculty member:

- a. A member of the Human Resources will approach discipline of employees/contractors in a progressive manner
 - i. Verbal discussion regarding the problem is given;
 - ii. Written warning highlighting areas of concern with references to ACATCM policies;
 - iii. Final warning with grounds for academic suspension or dismissal upon case review;
 - iv. In cases of gross misconduct immediate written notice may be delivered to the ACATCM member. This initiates an investigation in which the ACATCM member will be notified.
- b. Academical Dismissal includes all areas pertaining to ACATCM including clinical

Appeal Hearing Process

Students

Students may submit a written form requesting an Appeal Hearing. The purpose of this for appeal hearing are in regard to one of the following:

- a. Student Academic Misconduct;
- b. Student Non-Academic Misconduct;
- c. Academic Progression Matters; and
- d. Academic Assessments and Graded Term Work.
- e. Decision made by the Vice-President of Academic Affairs.

Appeals pursuant to this policy will:

- a. Be confidential;
- b. Provide Procedural Fairness;
- c. Strive for consistency in terms of its decisions;
- d. Be administratively efficient; and
- e. contribute to a fair and just College.

An Appellant submitting an appeal under this policy must meet the requirements of this policy and the relevant procedure.

Appeal Hearings will respect the rights of an Appellant and a Respondent to Procedural Fairness.

Regardless of the type of decision being appealed or the grounds of appeal brought forward by an Appellant in an appeal, in conducting an Appeal Hearing the Vice-President of Academic Affairs, or the Academic Council, will usually review whether the decision being appealed:

- a. was made with Procedural Fairness; and
- b. falls within a range of reasonable outcomes.

This policy will take precedence in the event there is a conflict with any other College or Department policy, procedure, regulation or standard regarding appeals of:

- a. Student Academic Misconduct decisions;
- b. Student Non-Academic Misconduct decisions;
- c. Academic Assessments; or
- d. Graded Term Work.

Faculty

In the case where a faculty member or staff of ACATCM request an appeal from the human resources, the Personnel Administration Committee will preside.

The Personnel Administration Committee will:

1. Request Human Resources to send all documentation regarding the case for review;
2. Objectively investigate the claims;
3. Consult with the Academic Council if needed;
4. Inform the appellant in writing the Committees decision.

Any person that is in conflict of interest will be temporally removed until the investigation is completed and results have been delivered.

Violation that entails scholarly, research, or professional integrity, the Scholarly Research Misconduct Policy will prevail.

Grounds of Appeal for Student Academic Misconduct and Student Non-Academic Misconduct Decisions

As Student Academic Misconduct decisions and Student Non-Academic Misconduct decisions involve disciplinary action by the College, an Appellant may appeal a Student Academic Misconduct decision or a Student Non-Academic Misconduct decision on one or more of the following grounds:

- a. relevant new information has arisen that could not have been presented earlier and that may have otherwise affected the decision being appealed;
- b. the decision being appealed was made in a procedurally unfair way;
- c. there was a reasonable apprehension of bias on the part of a person who made the decision being appealed;
- d. the decision maker did not have the authority to make the decision or to impose the sanctions;
- e. the decision, or the severity of the sanction, or both, is unreasonable; or
- f. any other ground.

Sexual Harassment and Discrimination

ACATCM is committed to providing a safe campus environment that empowers students and employees to succeed and to professionally develop. Every person has the right to respect and dignity in an environment free from discrimination and harassment.

It is the responsibility of every staff, faculty, and student to create and foster an environment that is free from discrimination and harassment. If a student sees such behaviour or an incident, they can report it to the Dean of Students or are encourage to tell the person to stop.

ACATCM recognizes its moral and legal responsibilities to protect its students, staff, and faculty against sexual harassment.

For more information regarding policy and procedures see *Harassment and Discrimination Policy*.

General

In general, academic assessments, graded term work and decisions regarding Academic Misconduct should be made as close as possible to the level at which the academic competence resides.

Dissatisfaction with a decision or with the College or Department policy, procedure, regulation or standard is not a Ground of Appeal.

In general, events or academic performance that occur after the date of the decision being appealed are not considered to be relevant new information.

Related Policies

- Scholarly Research Misconduct Policy
- Harassment & Discrimination Policy