



POLICY SECTION: Human Resources
SUB-SECTION: Miscellaneous
POLICY NAME: Complaint Against a Staff Member
POLICY NO: H.M. 30

Date Approved: November 6, 1995	Date of Next Review: November 2020	Dates of Amendments: November 3, 1997 November 19, 2015- Board
Cross References: Conflict Resolution, H.M.19 Harassment and Discrimination in the Workplace, H.M.14 Guidelines For Trustees, Parents, and Staff in Addressing School Related Concerns, A.33 Teaching Professions Act, Revised Statutes of Ontario, Chapter T.2, 1990		

Purpose:

This Policy commits the TCDSB to providing a positive work environment that promotes conflict resolution, professionalism and accountability.

Scope and Responsibility:

This Policy extends to all Toronto Catholic District School Board stakeholders including employees, contract employees, volunteers, parents, students and Trustees.

Alignment with MYSP:

Living Our Catholic Values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Inspiring and Motivating Employees



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Financial Impact:

Minimal financial impact other than time and administrative resources allocated to resolving issues at the Board level.

Legal Impact:

If concerns are not addressed and resolved at the local level, issues may be escalated externally, including to the Ontario College of Teachers and the Ombudsman of Ontario.

Policy:

A complaint against a staff member will be dealt with in a just, timely manner that respects the dignity and rights of all parties involved.

Regulations:

1. Members of Board and administrative staff will make every reasonable effort to encourage and support resolution of the matter at the local level by the parties most directly involved in the matter. When dealing with conflict between staff and the TCDSB community or between different members of the TCDSB community, reference should be made to *Policy H.M.19, Conflict Resolution* for specific advice and procedures.
2. Responding to a complaint will be governed by the following principles and practices:



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- a. Complainants have a right to have their complaint (i.e. expression of dissatisfaction or allegation) dealt with in an appropriate and timely manner.
- b. Anonymous complaints shall not be acted upon. If the complainant fails to or refuses to put his or her statements in writing, they will be advised that his or her identity and complaint will be made known to the individual if there is an expectation that the complaint be addressed. Anonymous complaints cannot be pursued unless they are related to safety that are reportable under the Workplace Violence Policy or the Child Abuse Reporting Policy.
- c. Efforts to address the complaint will be consistent with applicable provisions of Collective Agreements, legislation and policies.
- d. Where the complainant has dealt directly with the staff member and is not satisfied with the response or the manner in which the matter was addressed, the complainant or the staff member may ask the superordinate to assist with the resolution process.
- e. A staff member has a right to be informed, as soon as practicable (usually within three working days), of the nature and the specifics of a complaint. A staff member has a right to be aware of, and present at, a committee meeting of the Board where a complaint is to be heard, as well as other meetings involving the complainant and superordinates or trustees.
- f. The staff member, the complainant or the superordinate may choose to involve another party in addressing the complaint. Such a person may be a representative of one of the parties and/or someone with relevant knowledge or skills. Where any person involved is represented by a solicitor, the other persons involved will be advised so that they may obtain their own legal advice.



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- g. Consideration could be given, in appropriate cases, to involvement of a person trained in conflict mediation, where both parties agree to and will abide by a mediated solution.
 - h. The extent to which the complaint resolution process is documented in writing depends on the circumstances and the parties involved. Where there are requests to submit specific materials or responses in writing, board staff and the complainant are expected to respond to such requests to the extent that is reasonable and in the best interests of the parties.
 - i. Where there is more than one concern being addressed or where the issue is complex, the superordinate will, under normal circumstances, ask that the concerns be set out in writing and that the discussions focus on the contents of the submission.
 - j. Students may register a complaint against a staff member in a manner appropriate to the particular school and grade level or may ask their parent/guardian to do so. As an alternative, students who have attained the age of majority may follow the policies as outlined for parents/guardians and other ratepayers.
3. Where the complaint is also the focus of a grievance arbitration or under review by the Human Rights Tribunal, the process described herein may be modified.
 4. Staff who are employed under a collective agreement may request that a representative of their union or association or other representative be present, where appropriate. Non-union staff may request the attendance of a representative of their choice.
 5. As with any written record generated within the Board, the Municipal Freedom of Information and Protection of Privacy Act governs the creation, retention, disclosure, alteration, and destruction of any written material.



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Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

1. Complaints filed externally after the internal complaint and appeal process has been exhausted.