



Updated: January 2017

Student Dispute Resolution Policy

In the policy 'student' refers to anyone registered in the Haven's training programs.

Many disputes and complaints can be resolved by using an informal approach. This might include resolving the issue directly with the other party or inviting a third party to facilitate a clearing. This policy governs complaints from students respecting The Haven and any aspect of its operations and is used if an informal approach does not resolve the matter, or if, for whatever reason, the student chooses to make a formal complaint. The process is intended to:

- Protect students.
- Ensure fairness to all parties including those against whom the complaint has been made.
- Respect the personal rights and dignity of everyone involved in the process.
- Learn from students' experience and concerns.
- Maintain confidence in The Haven.

Please note the following important information regarding this policy:

1. Complaints must be made within two years of the event that forms the basis of the complaint or, in the case of a series of events, within two years of the date that the last event in the series occurred. In the case of a complaint made by a person under the age of 19 at the time of the event(s), the complaint must be made within two years of the age of majority. The Executive Director (or designate) or the Chair of Haven Foundation Board has the discretion, in exceptional circumstances, to extend this time limit on a case by case basis. The Executive Director or Chair of Haven Foundation Board will determine what might constitute exceptional circumstances in each case and may consult with the Board in their deliberations.
2. The student will not be subject to any form of retaliation as a result of filing a complaint, nor will their ability to proceed with a program or training program be affected.
3. The student may withdraw from this process at any time.
4. All complaints must be made in writing.
5. The student must provide their name. This is not an anonymous process.
6. All aspects of the complaints process are confidential and will not be shared with anyone who is not directly involved in the complaint unless it is determined that the Haven has a legal obligation to refer the matter to an outside authority. Consideration of complaints outside the time limit as described above in point 1 may be discussed with the Board.
7. The student making the complaint may be represented by a third party (e.g. an advocate or a lawyer) as may the person(s) who is/are the subject of the complaint.
8. There is no fee to any party for this process.

9. The policy applies to service providers who are not permanent employees of The Haven, including faculty members, assistants, interns and bodyworkers. This policy does not apply to Haven staff, who are subject to other conduct related practices administered by the management of The Haven. This policy is also not intended to cover disputes between students.
10. Possible outcomes include (but are not limited to): a change in policy or procedures, a written agreement or an undertaking not to repeat the conduct to which the matter relates, remedial action including but not limited to a requirement for educational courses or professional development, or the dismissal of the complaint.
11. Under extenuating circumstances the complaint process timelines set out below may be extended, by mutual agreement, in order to ensure a full and proper investigation and resolution of the matter.
12. The Haven will keep a record of all complaints made by students and decisions issued under the dispute resolution policy for a minimum of seven years.
13. For students registered in a Haven training program, where possible, a resolution to the dispute will be provided before the training program begins. A student who has already started the training program is permitted to pause their studies while a dispute is under investigation.

Procedure:

Step One The student must provide the written complaint to the Executive Director (ED) of The Haven or a designate acting with the same authority.

The complaint must include (as a minimum):

- The name of the person making the complaint and full contact information (address, phone number, email address).
- The name(s) of the individual(s) who are the subject of the complaint.
- The details of the complaint: a description of the incident(s) or behavior(s) including when and where they occurred and the complainant's interpretation/understanding of the impact of those incident(s) or behavior(s).
- The names and contact information of any witnesses to the incident(s).
- Any additional information provided as part of the complaint.

If the ED (or designate) is referred to in a complaint, the student moves directly to step two. If the student thinks that the ED (or designate) is in an actual or apparent conflict of interest, the student may request to make the complaint to the Chair of Haven Foundation Board and move to step two. The Chair of Haven Foundation Board will decide whether the ED (or designate) is in an actual or apparent conflict of interest.

For the purpose of this policy, a conflict of interest is defined as follows:

A conflict of interest occurs when the ED's (or designate's) personal, business, commercial, political, or financial interests, or the interests of the ED's (or designate's) family or friends, interfere with the ED's (or designate's) professional responsibilities and obligations to The Haven to administer the complaints process in an unbiased manner.

The mere existence of a Conflict of Interest or the perception of a Conflict of Interest does not imply wrongdoing on anyone's part. A perceived Conflict of Interest is a situation where a Conflict of Interest may or may not exist, but where there may be, nonetheless, from the perspective of a reasonably well-informed, impartial observer, a perception of a Conflict of Interest. This is sometimes referred to as an "apparent" conflict of interest.

The process by which the ED will handle the student complaint is as follows:

- The ED (or designate) will notify the other individual(s) named in the complaint and request a written response from them within a specified timeframe.
- The ED (or designate) may interview all parties involved to clarify the issues and obtain as much information as possible.
- The ED (or designate) may request further information in writing from anyone involved in the complaint.
- The ED (or designate) may also convene a meeting in person or, if either party is not at The Haven, by other means to further clarify the issue and to seek a resolution.
- The ED (or designate) may consult with legal counsel or those with expertise in mediation and/or gather relevant documents.

Based on the process described above, the ED (or designate) will make a determination to either:

1. Dismiss the complaint as frivolous, vexatious or malicious or unable to be substantiated, or
2. Refer the complaint to an ad hoc Inquiry Committee under Step Two for further consideration and resolution. The referral may include recommendations for the Inquiry Committee's consideration. Written reasons for the determination will be provided to the student within 45 days after the date on which the complaint was made.

Should the ED dismiss the complaint, the student may accept the determination of the ED (or designate) or choose to move to step two.

Step Two The student has the right to appeal the decision of the ED (or designate) to dismiss the complaint within 14 days of receipt of the written determination. The appeal is made in writing to the Chair of the Haven Foundation Board.

In response to a referral, the Chair will constitute an ad hoc Inquiry Committee made up of three individuals. In response to an appeal, the Chair will either constitute an ad hoc Inquiry Committee or dismiss the appeal and provide a written determination to the student within 45 days with the reasons why. At least one member of the Inquiry Committee must be a member of Haven Foundation Board the other two members will be appointed by the Board. No one directly involved in the complaint or who has a conflict that interferes with their ability to consider the complaint in an unbiased manner may serve on the Inquiry Committee.

The Inquiry Committee will review the original complaint, the record of the handling of the complaint to date, including transcripts of interviews and information gathered by the ED, and any recommendations for action forwarded by the ED. The Inquiry Committee may also choose to take some or all of the recommended actions from the ED's review in step one or to investigate the complaint in more depth.

The Inquiry Committee will make a determination on the referral or appeal. Written reasons for the determination will be provided to the student within 45 days after the date on which the complaint was referred or appealed. The Inquiry Committee's decision is binding and the final stage in the internal process.

Step Three

If the student is dissatisfied with the determination, they may choose to:

- Request in writing that The Haven appoint an external mediator to review the complaint process, meet with the parties in person, and mediate a satisfactory resolution. For a mediation to proceed, both the complainant and the subject(s) of the complaint must agree to participate in the mediation process. The mediator must have professional experience in mediation and be acceptable to all parties to the complaint. The written request includes a short statement about why they are dissatisfied with the determination.

OR

- File a complaint with the Private Training Institutions Branch (www.privatetraininginstitutions.gov.bc.ca).

Related policies:

- Student dismissal policy