

Approval Date: June 13, 2005

## Student Concerns and Complaints Policy – Records and Privacy

<b>Office of Accountability:</b>	Provost and Vice President (Academic)
<b>Office of Administrative Responsibility:</b>	Provost and Vice President (Academic)
<b>Approver:</b>	General Faculties Council
<b>Scope:</b>	Compliance with this University-wide policy is extended to all members of the University community.

### Overview

The University of Alberta provides individuals with access to their **personal information**, specifically opinions about them held by others, subject to specific and limited exceptions, in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act of Alberta*.

This policy is directed towards **concerns** and **complaints** initiated by students about other **members of the university community**.

The Alberta Court of Queen's Bench and the Alberta Information and Privacy Commissioner have ruled that there exists a power imbalance between students and instructors. This policy acknowledges these power imbalances among individuals and recognizes that students may choose to meet with instructors or administrative officials initially in **confidence**.

### Purpose

**University officials** must be aware of a dual responsibility.

They have a responsibility to protect the privacy of a student in accordance with the principles of privacy set out in the legislation.

They must also respect the ability of members of the University community named in concerns or complaints to protect their reputation and employment position, an ability that is dependent in part on access to **records** that include the personal information of the staff members.

In keeping records, therefore, the officials must be aware that the records may be used and, in some situations, may need to be released to third parties. The University official must guard against the collection and unwarranted retention of undisclosed criticism.

The University official (as well as students who submit letters or e-mails) must be aware that written statements of opinion are the personal information of the persons about whom the opinion is expressed and may be subject to disclosure to those persons under the access provisions of the *Freedom of Information and Protection of Privacy Act of Alberta*.

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Compliance with University policy extends to all members of the University community. [\[▲Top\]](#)

Students ought not to be deterred from raising a concern or complaint with a University official.

University officials will not normally deal with anonymous expressions of concern nor will they accept or disseminate records that include obviously malicious or apparently defamatory material. [*Code of Student Behavior, Section 30.3.4(3)*].

The University official who meets with students must attempt to resolve concerns in a manner that enhances good pedagogical practice and restores harmonious student instructor/supervisor relationships but does not reveal information that the student prefers to have held in confidence. The official must, to the maximum extent possible, honor a student's expressed preference for confidential discussion and **informal resolution** in a manner that protects the privacy of the student.

Notwithstanding paragraph 3 however, when a concern meets the conditions of a complaint, the formal procedures for managing records in such cases shall be applied.

The principles of fair play for all parties concerned shall apply to the use of records.

All files shall be created and processed bearing in mind the access and disclosure provisions of the *Freedom of Information and Protection of Privacy Act*.

The University reserves the right, to the extent permitted by the *Freedom of Information and Protection of Privacy Act*, to verify the accuracy of a document with those affected before acting on any information it contains.

The University reserves the right to initiate an action against discrimination or harassment or to continue with such an action when a request for such action is withdrawn by a complainant. The use of documents already submitted in such actions will be determined in accordance with appropriate law and University policy.

All processes related to student concerns and complaints shall adhere to the established procedures for this policy.

## **DEFINITIONS**

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [[▲ Top](#)]

<b>Personal information</b>	Recorded information about an identifiable individual as defined in the <i>Freedom of Information and Protection of Privacy Act</i> . Includes anyone else's opinions about the individual and the individual's opinions or views, except if they are about someone else. Under the Act, an individual has a right to access personal information about him/herself, subject to specific and limited exceptions under the Act.
<b>Concern</b>	Any discussion initiated by a student with a university official that includes personal information about members of the University community.
<b>Complaint</b>	A concern that includes criticism of or allegations against the individual identified in a concern for which the student seeks formal redress or formal redress is required to resolve the concern.
<b>Members of the University community</b>	Academic staff, support staff, and students.
<b>Confidence, Confidential, Confidentiality</b>	Information that is supplied in confidence with an expectation by both the provider and the recipient that it will not be disclosed to others except by mutual agreement or if required by law or by a formal complaint or grievance process exercised by right within the University community.
<b>University official</b>	Includes instructors, departmental and Faculty administrative officials, and administrative officials in other units that deal with students.
<b>Record</b>	Includes documents provided by the student, notes kept by a university official, and other documents including electronic messages about a concern or a complaint.
<b>Informal resolution</b>	A solution arrived at between the student and the university official with

	whom the concern is raised in which it is agreed that no action will be initiated that engages a <b>formal University process</b> .
<b>Formal University process</b>	Any process authorized by an existing policy and/or procedure. Includes disciplinary procedures, evaluation procedures, grievances, harassment and discrimination complaints, student code procedures, or procedures for the assignment of responsibilities.

## **RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[AASUA collective agreements](#) (Association of Academic Staff University of Alberta)

[Code of Applicant Behavior](#) (University of Alberta)

[Code of Student Behavior](#) (University of Alberta)

[Freedom of Information and Protection of Privacy Act](#) (Government of Alberta)

[Graduate Students Association collective agreement](#) (University of Alberta)

[Non-Academic Staff Association collective agreement](#) (NASA)

[Practicum Placements, Professional Practice and the Public Interest Policy](#) (University of Alberta)

[University Calendar](#) (University of Alberta)

## **PUBLISHED PROCEDURES OF THIS POLICY**

[Student Concerns and Complaints - Procedure for Management of Documents](#)