

CODE OF CONDUCT & RESPECTFUL WORKPLACE & LEARNING ENVIRONMENT COMPLAINTS & INVESTIGATION PROCEDURE

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

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| Functional Category: | Human Resources |
| Parent Policy: | Code of Conduct Policy and Respectful Workplace and Learning Environment Policy |
| Approval Date: | September 18, 2019 |
| Effective Date: | September 18, 2019 |
| Procedure Owner: | Vice President, People |
| Procedure Administrator: | Senior Manager, Talent |

Overview:

NorQuest College (college) is committed to providing a work environment that promotes and protects values and behaviors exemplifying fairness and respect for all people.

All complaints of a breach of the college Code of Conduct Policy or Respectful Workplace and Learning Environment Policy are taken seriously and will be appropriately investigated and resolved.

Authority to establish this procedure is derived from the [NorQuest College Board of Governor's Policy No. 5](#) which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation.

Procedures:

Filing a Complaint

Any employee who would like to file a complaint regarding a breach of the [Code of Conduct Policy](#) or [Respectful Workplace and Learning Environment Policy](#), must fully complete a [Policy Complaint / Safe Disclosure Report Form](#) and the Consent Form for Disclosure of Personal Information which is attached to the Disclosure Report Form.

If the complaint is in regards to reporting a wrongdoing as specified in the [Safe Disclosure Procedure](#), please follow the instruction in that procedures to report the wrongdoing.

A wrongdoing is defined as:

- A contravention of a Provincial or Federal Act or Regulation
- An act or omission that creates;
 - A substantial and specific danger to the life, health or safety of an individual, or
 - A substantial and specific danger to the environment
- Gross mismanagement of public funds
- Counselling a person to commit a wrongdoing

Key components of the [Policy Complaint / Safe Disclosure Report Form](#) than need to be completed when making a policy violation complaint are:

- Complainant information - unless you wish to remain anonymous
- The name(s) of the alleged individual(s) to have committed the policy breach
- The name(s) of any other individual(s) who may have additional information or who have witnessed the policy breach

- A description of the complaint:
 - Dates and times of the incidents
 - What happened and where
 - What specific aspect(s) of the policy was breached
- Additional evidence or documentation to assist in reviewing the allegation, such as:
 - emails, letters or documents
- Whether you have brought forward the issue(s) before; when and to whom
- Your preferred resolution to the investigation

The employee is to submit the completed [Policy Complaint / Safe Disclosure Report Form](#) (and any additional information provided) to the Vice President, People.

People will review the complaint and complete an initial assessment to determine if an investigation is warranted.

Where warranted, an investigation will be initiated.

If the evidence does not substantiate a potential breach of policy then People will support the affected employees through an informal resolution path. Informal resolution can include mediation, counseling, coaching, facilitation, training, or referrals.

Examples what is not a breach of policy are:

- Enforcing the rules of business
- Disciplinary actions
- Performance management
- Interpersonal conflict between people

The Investigation

Appoint an Investigator

People will conduct most investigations.

In certain circumstances, People may elect to appoint a qualified third party investigator to conduct the investigation. This will typically occur when:

- the allegation are of a highly serious nature,
- when the complainant or respondent are senior level management,
- if there is a potential or actual conflict of interest if People directly conducts the investigation, or
- when the police are involved.

The investigator (internal or external) appointed must be capable of conducting an independent investigation in a thorough, timely, discreet and unbiased manner.

Roles and Responsibilities of the Investigator

- Plan and implement the investigation, including gathering and recording all relevant evidence.
- Identify gaps in information, potential sources of further information, and who may be able to corroborate information.
- Plan and prepare interview questions to obtain the necessary evidence about the alleged incidents.
- Conduct interviews with the parties and relevant witnesses.
- Analyze evidence and determine the substance of each allegation.

- Prepare the investigation report and summary.

If at any point during the investigation it is brought to the attention of the investigator that a criminal offence or fraud has occurred the investigator must notify the person alleging such behavior that this falls outside the mandate of the investigation and they must follow the [Safe Disclosure Procedure](#).

Investigations that are requested by NorQuest College's legal counsel to support current or upcoming litigation, are protected under litigation privilege and legal privilege.

Interviews

The investigator will be credible, objective, neutral, consultative, and sensitive to the needs of the people he/she is interviewing. The investigator must ensure procedural fairness by behaving fairly and equitably towards all parties.

Before any interviews with AUPE or Faculty members, those members must be advised of their right to union representation during the investigation.

The investigator may interview any one that can help inform the investigation including: the complainant, respondent, the employees' manager or supervisor and witnesses.

Prior to interviewing the respondent, the investigator will inform the respondent of all of the allegations that have been made against them. It is the Investigators duty to provide them with the allegations as per the submitted [Policy Complaint / Safe Disclosure Report Form](#).

The investigator has the discretion to determine which witnesses to interview and may decide not to interview certain individuals if it is unlikely they will add any value to the investigation.

Interviewees will be read the following statement at the beginning of all interviews in order to be notified of the Alberta *Freedom of Information and Protection of Privacy* (FOIP) Act requirements:

- The personal information you provide is collected under the authority of Section 33(c) of the Alberta *Freedom of Information and Protection of Privacy Act* and will only be used for the purpose of administering an investigation. The personal information that is collected is confidential. The information will not be disclosed unless required by law. Should you have any questions regarding the collection and use of this information please contact your Human Resource Consultant.

The interviewee will be notified that their statements within the interviews are confidential. Additionally, the interviewee will also be notified of the importance of confidentiality, and that they should not share the details of the meeting with anyone else during the course of the investigation.

The investigator will take notes during the interview. These notes will be provided back to the interviewee to review for omissions or errors. Once validated they will sign their interview notes and they will be placed into the investigation file.

Investigation Decision

Once all interviews are complete the investigator will compile all evidence into an investigation report. The investigator then must determine, based on a balance of probabilities, whether or not a breach of policy occurred. This is done based on the civil standard of proof that an incident was more likely to have occurred than not.

In cases where harassment has been alleged, the investigator must establish whether the conduct meets the definition of harassment, in accordance with the policy.

From this report the conclusions of the investigation will be outlined. Possible conclusions include:

- A breach of policy did occur
- A breach of policy did not occur
- No findings, based on lack of evidence
- Not a breach of policy, but inappropriate behavior

Allegations in Bad Faith

If there is evidence to demonstrate that the allegations are vexatious or made in bad faith this must be immediately brought up by the investigator to the Vice President, People.

Advising the Parties

Once the investigation is complete the full investigation report is submitted to the Vice President, People, for review. Following the review, the complainant and respondent will be provided with a letter stating:

- The decision
- An outline of how the complaint will be resolved (if any)
- A summary of the findings

This letter is delivered marked as confidential with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action or other legal remedies.

The parties will not be given access to see or receive the full report or witness statements.

Administrative Closure

Where a complainant does not accept or agree to the investigators findings, he or she must submit a detailed written request to the Vice President, People within seven (7) business days of the decision being released explaining precisely what they disagree with and why.

The Vice President, People will examine the investigation file and submit a final report back to the complainant. If the Vice President, People agrees with the Investigators findings, the case will be considered closed.

If no written complaint is received within the seven (7) business days of the decision being released, the complaint file will be considered complete and closed.

In the time subsequent to the investigation, the HR Consultants will continue to follow up with the groups involved and where appropriate provide support to help repair the team environment.

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| Definitions: |
| Related NorQuest College Information: |
| Related External Information: |
| Next Review Date: |
| Revision History: |

Allegations in Bad Faith: means purposely making a false allegation.

Complainant: employee who is filing the formal complaint.

Investigator: person conducting the formal investigation.

Interviewee: anyone questioned as a potential witness in the investigation.

Respondent: employee against whom the complaint is being filed.

Vexatious: means without reasonable or probable cause or excuse. When the party bringing the proceeding is not acting bona fide and merely wishes to annoy or embarrass his opponent, or when it is not calculated to lead to any practical result.

- [Code of Conduct Policy](#)
- [Policy Complaint / Safe Disclosure Report Form](#)
- [Respectful Workplace and Learning Environment Policy](#)
- [Safe Disclosure Procedure](#)
- [Freedom of Information and Protection of Privacy Act](#)

June 2023

July 2015: new
 August 2019: Compliance Office template & reorganization update
 September 2019: review updates as per Legal Counsel