

Employee Complaints and Investigations Procedure

This procedure is governed by its parent policies (as applicable). Questions regarding this procedure are to be directed to the identified Procedure Administrator.

Functional category	Human Resources
Parent policies	Code of Conduct Policy, Respectful Workplace and Learning Environment Policy
Approval date	November 12, 2024
Effective date	November 12, 2024
Procedure owner	Vice President, People, Culture & Equity
Procedure administrator	Director, People and Talent Operations

Overview

NorQuest College (the “**College**”) is committed to creating and promoting a safe work environment that protects values and behaviors exemplifying fairness, respect and a sense of belonging for all people.

This procedure describes the process which will be followed in the assessment and/ or investigation of formally submitted complaints, and employer-initiated investigations where an out-of-scope People Leader observes behaviours that may be in breach of NorQuest College’s Code of Conduct Policy and Respectful Workplace and Learning Environment Policy (collectively the “**Policies**”).

All complaints regarding breaches of the above-mentioned policies are taken seriously, and will be appropriately addressed in a timely manner, consistent with the College’s legal obligations.

To the extent that this procedure conflicts with any of the Policies or with any applicable legislation or collective agreements, those documents will prevail. Furthermore, to the extent that this procedure conflicts with the College's [Public Interested Disclosure Act \(PIDA\) Procedure](#), that procedure will prevail.

Nothing in this procedure is intended to discourage an employee from exercising the employee's rights pursuant to any other law.

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.

Procedure

Informal Resolution

A member of the College community who feels that they are experiencing a breach of a policy covered by this procedure is encouraged, if comfortable, to have a conversation with the individual who they feel is violating the policy, to attempt to resolve the issue. Employees may seek support and guidance as part of this informal process from their out-of-scope People Leader or [HR Business Partner](#). Individuals may also seek support from [NorQuest College's Safe Disclosure Office](#).

While informal resolution is encouraged by the College, a formal complaint may be filed regardless of whether an informal resolution was attempted.

Filing a Formal Complaint

If the complaint is in regard to reporting a wrongdoing as specified in the [Public Interest Disclosure Act \(PIDA\) Procedure](#), that procedure should be followed to report a wrongdoing.

Any member of the College community who, under one (or more) of the applicable Policies, is able to file a formal complaint regarding a breach of

the Policies, and wishes to do so, must fully complete the following as applicable:

- A [Code of Conduct/ Respectful Workplace & Learning Environment Policy Complaint Form](#) including the Consent Form for Disclosure of Personal Information (attached to the complaint form).
or
- A [Safe Disclosure Policy Complaint Form](#)

The individual filing the complaint must complete the applicable form as soon as reasonably possible, and submit it to the Vice President, People, Culture & Equity for review. Receipt of the complaint will be acknowledged by the Vice President, People, Culture & Equity within five (5) business days.

Questions regarding completion of the form can be directed to the Director, People & Talent Operations or a member of the People Team.

In the event that a Complainant wishes to initiate a complaint about an individual who is listed to receive that complaint in accordance with this procedure, the Complainant may do so by contacting the President's office and an appropriate recipient for the complaint will be determined by the President.

Assessment of Complaint

The Director, People & Talent Operations will assess the formal complaint and may choose to do the following:

- decide not to commence an investigation;
- refer the complaint to a different and more appropriate resolution mechanism, including an informal resolution process such as mediation;
or
- commence an investigation.

The Complainant will be advised of the Director, People & Talent Operations decision in writing within ten (10) business days. The Director, People & Talent Operations may also advise any Respondent(s) named in the complaint of their decision.

Employer-initiated Investigations

When the employer is made aware of a potential breach of the Code of Conduct Policy or Respectful Workplace and Learning Environment Policy, an out-of-scope People Leader may initiate an investigation in consultation with the People team.

Investigation Process

If the decision is made to commence an investigation, the Director, People & Talent Operations, will appoint an investigator who will be responsible for investigating the complaint. The investigator may be an employee of the College or may be a third-party retained by the College for the purposes of carrying out the investigation.

The investigator may choose to interview witnesses as part of their investigation process. Before any interviews are undertaken with employees in either the AUPE or Faculty bargaining unit, those employees must be advised of their right to union representation during the interview.

The College will endeavor to conclude investigations in as timely a manner as possible, however due to a variety of factors investigations can be delayed. A member of the People team will provide an update every thirty (30) calendar days to respondents and complainants with regard to the status of ongoing investigations.

Following the conclusion of an investigation, the investigator will prepare a report, outlining the findings arising from the investigation.

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](#).

Confidentiality

Generally, information received in connection with this procedure, including in connection with a specific complaint, investigation, or decision under this

procedure, is confidential. Any such information will only be disclosed where necessary to:

- investigate a complaint or to take corrective action;
- inform the parties involved in a complaint of the results of the investigation and any corrective action taken,
- inform parties of a specific or general threat of violence or potential violence, in which case only the minimum amount of personal information necessary to inform of the threat will be disclosed, or
- comply with any other legal requirements.

Allegations in Bad Faith

If it is determined that a complaint (or allegations) made by an individual were vexatious, frivolous or made in bad faith, the individual may be subject to the appropriate disciplinary action, up to and including termination of employment.

Advising the Parties

Following the conclusion of an investigation, the Complainant and Respondent(s) will be provided with a confidential investigation closure letter, which will include a summary of the findings of the investigation.

Administrative Closure

Where a Complainant or Respondent does not accept or agree to the investigator's findings, they may submit a detailed written request to review the findings to the Vice President, People, Culture & Equity, within seven (7) business days of the closure letter being issued, explaining precisely what they disagree with and the rationale.

The Vice President, People, Culture & Equity, will examine the investigation file and submit a response back to the Complainant or Respondent within 30 days.

If the Vice President, People, Culture & Equity, agrees with the Investigator's findings, the case will be considered closed. If no written request for review is received within the seven (7) business days of the closure letter being issued, the complaint file will be considered complete and closed.

Corrective Action

Following the conclusion of an investigation, the Director, People & Talent Operations, will (unless otherwise provided for in one of the Policies) review the matter with the respondent's out-of-scope People Leader who in consultation with the HR Business Partner will determine what (if any) corrective action is warranted for any employees. Without limiting the generality of the foregoing, this includes:

- Discipline, up to and including termination;
- Non-disciplinary coaching;
- Training / education;
- Reconciliation activities.

Any decisions regarding corrective action or other follow-up related to individuals other than employees will be made in accordance with the applicable Policies. Any planned disciplinary action must be taken within the ten (10) business days that follow the conclusion of the request for review period.

Definitions

Complainant: means an individual who is filing a formal complaint, and is able to do so in accordance with the Policies.

Director, People & Talent Operations: means the director, or their designate.

Employee: means a person who is employed by the College.

People Leader: means an employee whose job function requires them to organize, direct and control the work of others. People leaders can include team leads, chairs, associate chairs, managers, deans, directors, members of executive, or the President and CEO.

President: means the President and CEO of the College, or their designate.

Respondent: means a person named in a formal complaint as a respondent.

Vice President: means the Vice President, People, Culture & Equity, or their designate.

Related information

NorQuest College

- [Code of Conduct Policy](#)
- [Code of Conduct/ Respectful Workplace & Learning Environment Policy Complaint Form](#)
- [Public Interest Disclosure Act \(PIDA\) Procedure](#)
- [Sexual and Gender-Based Violence Policy](#)
- [Respectful Workplace and Learning Environment Policy](#)

External

- [Alberta Occupational Health and Safety Act](#)

Next review date

October 2027

Revision history

Date	Version Number	Action
July 2015	V1	New.
August 2019	V2 (published as V1-C)	Compliance Office template & reorganization update.
September 2019	V3 (published as V2)	Review updates as per Legal Counsel.
October 2024	V4	General review with grammatical changes and additional information for better clarity made. Timelines throughout the investigation process have been added. Name changed from Code of Conduct & Respectful Workplace & Learning Environment

		Complaints & Investigations Procedure to Employee Complaints and Investigations Procedure.
November 2024	V5	Update to timeline for administrative closure of a complaint.