



## Procedures for a Complaint of Disrespectful Conduct

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<b>Related Policy:</b>	<a href="#">#2-17 Respectful Workplaces and Prevention of Bullying and Harassment</a>
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<b>Administrator Responsible:</b>	Associate Vice President, People, Equity & Inclusion
<b>Associated Documents:</b>	

Capitalized terms in these procedures are terms that have been given specific meanings by the Respectful Workplaces and Prevention of Workplace Bullying and Harassment Policy. Please refer to those definitions when reviewing these procedures.

### 1. Overview

- 1.1 Information gathered with respect to informational inquiries and Complaints will be received and maintained in confidence to the greatest extent possible. Exceptions to confidentiality include due process requirements, legal requirements, and the ability for Complainants and Respondents to discuss the Complaint in confidence with their Responsible Administrator, a support person, and/or a representative of their Constituency Organization.
- 1.2 Confidentiality is not the same as anonymity. For a Complaint to proceed, the identity of the Complainant and the details of the Complaint must be released to the Respondent and to those involved in the Complaint resolution procedures associated with this policy.

### 2. Complaint

- 2.1 Complaints must be made in a timely manner, and generally within sixty (60) calendar days of the conduct, which gives rise to the Complaint.
- 2.2 Complaints made under this policy must be in writing and contain the following information:
  - a. Identity of Complainant and preferred contact information;
  - b. Identity of the Respondent(s), including role within the College, if known;
  - c. Description of the conduct alleged to constitute a breach of this policy, including the date(s), location(s), and any potential witnesses; and
  - d. Description of steps taken to raise the concern directly with the Respondent, either with or without the support of a supervisor or a Policy Advisor, prior to making the Complaint.
- 2.3 Members of the College Community may contact a Policy Advisor in advance of filing a Complaint to discuss their concern(s) to help determine if a Complaint is warranted.
- 2.4 Complaints will be assessed according to the Reasonable Person Standard.

### **3. Informal Dispute Resolution Processes**

- 3.1 A Policy Advisor will review the Complaint and determine if it contains the required information and falls within the scope of the Respectful Workplaces and Prevention of Workplace Bullying and Harassment Policy.
- 3.2 Should the Policy Advisor determine the Complaint should proceed, the Policy Advisor will meet with the Complainant and provide information to the Complainant about the available informal dispute resolution processes.
- 3.3 After meeting with the Complainant, the Policy Advisor will, where appropriate, engage the Complainant and the Respondent in informal dispute resolution processes. These processes may include one or more of the following:
  - a. meeting separately with the individuals involved to review the Complaint;
  - b. meeting together with the individuals involved to facilitate a conversation aimed at understanding and resolving the Complaint;
  - c. meeting with the administrator responsible for the Complaint and the Respondent, either independently or with one or both of the parties;
  - d. reviewing policies with individuals involved to clarify and reinforce the behavioural expectations of College employees;
  - e. seeking commitments from the individuals involved that in future they will conduct themselves appropriately;
  - f. seeking commitments from the individuals involved to engage in such training as is recommended by the Policy Advisor;
  - g. providing feedback after the meeting(s); and
  - h. following up with individuals involved after the resolution process to ensure commitments to respectful conduct are being adhered to.
- 3.4 The Complainant and the Respondent(s) must behave with courtesy and respect for all participants in informal dispute resolution processes and must not behave in a way that would undermine the process. The Complainant and the Respondent(s) must participate in good faith for the purpose of resolving all or part of the Complaint.
- 3.5 Resolutions reached through the informal resolution processes will not result in formal disciplinary action.

### **4. Investigation**

- 4.1 When the informal dispute resolution processes outlined in this procedure are inappropriate or unsuccessful at resolving the entirety of the Complaint, the Policy Advisor will advise the Responsible Administrator of this result.
- 4.2 The Policy Advisor will submit their records to the Responsible Administrator who, in consultation with the Associate Vice President, People, Equity and Inclusion, will review the Complaint and determine whether the Complaint should proceed to an Investigation.
- 4.3 The investigation may be conducted by an external advisor or someone internal to the College, either a Policy Advisor or other designated and qualified individual. Generally, a different Policy Advisor than that involved at earlier stages of the process will conduct the investigation, unless no such Policy Advisor is available in a timely manner.

- 4.4 The investigation should include interviewing the Complainant, the Respondent and witnesses, and it should be conducted in a manner that ensures both the Complainant and the Respondent have a fair opportunity to be heard. Fairness in this context includes the ability of the Respondent to know the Complaint made against the Respondent, and to fully respond to that Complaint.
- 4.5 During the investigation and interviews, both the Complainant and the Respondent have the right to consult with, and be accompanied by, a support person and/or a representative from their Union if they are a member of a Union, or by a legal representative if they are not a member of a Union.

## **5. Post-Investigation Procedures**

- 5.1 On receiving the report of the investigator, the Responsible Administrator will, in consultation with the Associate Vice President, People, Equity and Inclusion or designate, determine whether, based on the investigative findings, this policy has been violated and what the consequences of any breaches of policy will be.
- 5.2 A meeting will be held with the Respondent in which a verbal summary of the investigative findings will be presented, as well as an overview of what the consequences may be, subject to consideration of a response from the Respondent. The timeline for scheduling of this meeting will comply with any applicable collective agreement requirements, unless otherwise agreed between the Union and the College.
- 5.3 The Respondent will be provided with an opportunity to ask questions in this meeting and will be provided with the opportunity to provide a written response within five (5) working days of the meeting, unless timeline for a response is extended by mutual agreement of the College and the Respondent.
- 5.4 The Responsible Administrator will, in consultation with the Associate Vice President, People, Equity and Inclusion or designate, make a final determination whether this policy has been violated and if so, determine the appropriate discipline.
- 5.5 The final determination(s) of the Responsible Administrator will be made in writing, with reasons, and provided to the Respondent.

## **6. Mediation**

- 6.1 At any time, either party may request a mediation, which will occur if the other party consents. If the matter is successfully mediated prior to completion of the investigation, then no investigation report will be written.