



### 3.4 The admin

- 5.1 After receiving the Complaint, the Associate Vice President, People Services will inform the Complainant of the procedures in this Policy.
- 5.2 The Associate Vice President, People Services will conduct an initial review to determine whether the Complaint includes all the required information and may ask the Complainant for further details.
- 5.3 If a student has made a complaint of Discrimination, Bullying or Harassment under the Student Complaint Policy, the applicable Associate Dean, Director, Dean, Registrar, Associate Vice President or Provost will make the initial assessment and will consult with the Associate Vice President, People Services as necessary. If the complaint cannot be resolved through the Student Complaint Policy, a decision may then be made to proceed with an investigation under this Procedure.
- 5.4 If the Complaint falls within a different policy, the Associate Vice President, People Services will guide the Complainant to the applicable policy.
- 5.5 If the Associate Vice President, People Services determines, after consultation, that the Complaint does not fall within the scope of the Employee Discrimination, Bullying and Harassment Policy, was filed beyond the time limit set out in the Policy, or is frivolous, vexatious, or brought in bad faith, then the Associate Vice President, People Services will advise the Complainant of this determination and the Complaint will be considered resolved.
- 5.6 The College's ability to act upon an anonymous Complaint is very limited. The College will consider anonymous Complaints for the purpose of determining whether there is evidence of a significant risk to the health or safety of Employees and whether an investigation is required and possible.
- 5.7 It may be necessary for the College to take interim measures to mitigate risk or to mitigate the impact of the Respondent's alleged conduct while a Complaint is being considered, resolved, investigated, or determined. Such measures will be precautionary and are non-disciplinary.
- 5.8 Interim measures may include, but are not limited to, the following:
  - a) the exclusion of individuals from all or any part of the College campus;
  - b) limiting proximity or contact to specific individuals;
  - c) limiting participation in College activities;
  - d) limiting the use of the College's information and communications technology;
  - e) requiring a person to meet regularly with designated College administrators;
  - f) assigning supervisory responsibilities to another Employee; or
  - g) any other interim measure as may be determined by the College.
- 5.9 The College will initiate an investigation appropriate to the circumstances upon receipt of a Complaint of Discrimination, Bullying or Harassment that falls within the scope of the Policy.
- 5.10 Complaints of Discrimination will be assessed by the College and investigated by the College as appropriate.
- 5.11 The Complaint may be investigated internally, or the College may engage an external investigator in circumstances deemed appropriate by the College.

- 5.12 The College may unilaterally proceed with an investigation even where a Complainant elects not to proceed with a Complaint, or where the parties have reached a resolution through the Joint Problem-Solving Process.
- 5.13 The College may also initiate an investigation where it is concerned about a potential situation of Discrimination, Bullying, or Harassment.
- 5.14 Investigations will adhere to the principles of natural justice and procedural fairness and will:
  - a) be undertaken promptly and diligently;
  - b) be fair and impartial;
  - c) be sensitive to the interests of all parties involved; and
  - d) maintain confidentiality to the extent reasonably possible.
- 5.15 The Associate Vice President, People Services will provide notice to both the Complainant and Respondent that an investigation is to be conducted.
- 5.16 The Respondent will be given sufficient information to understand the nature of the Complaint and will be given a fair opportunity to respond to the Complaint.
- 5.17 The investigator will normally interview the Complainant, the Respondent, and such other persons who may have information relevant to the Complaint.
- 5.18 The investigator will review materials, documents, or other evidence that the investigator determines to be relevant.
- 5.19 All individuals interviewed during the investigation process may have an appropriate support person present at the interview, such as a union representative, or an impartial family member or friend, but the individual must provide their own evidence. The support person must not be in a position of apparent or actual conflict of interest and must agree to keep confidential the information disclosed during the interview.
- 5.20 The investigation and complaint resolution process is often complex and time consuming. The College will act diligently with the goal of reaching a resolution as early as possible, with the understanding that some investigations and complaint resolution processes will take longer to conclude.
- 5.21 After the investigation is concluded, the investigator will submit to the Associate Vice President, People Services a final report that includes the following:
  - a) a description of the incident(s)/conduct;
  - b) a summary of the investigator's process, analysis and findings; and
  - c)

- 5.25 The Complainant is not entitled to know the details of the disciplinary action, if any, taken because of the investigation.
- 5.26 The investigation report is confidential and will not normally be released by the College except as required by law.
  
- 5.27 If there is a finding that the Policy has been violated, the Associate Vice President, People Services along with the Employee's supervisor, will act promptly to ensure that the Discrimination, Bullying, or Harassment ceases and to prevent future occurrences of similar activity.
- 5.28 Such actions may include disciplinary sanctions against the Respondent, up to and including suspension or termination of employment, training, and imposing arrangements that minimize the risk of future Discrimination, Bullying, and Harassment.
- 5.29 Any corrective measures will be documented and retained by the Associate Vice President, People Services and the Employee's Supervisor.
  
- 5.30 Nothing in this Procedure precludes an individual from seeking a remedy available to them under any applicable law.
- 5.31 If a Complaint is being pursued outside of the College, the College may elect to continue with the College process, may apply applicable processes to have the outside process deferred or dismissed, or may elect to suspend the College process until the outcome of the process outside of the College is determined.
- 5.32 The College will cooperate with any criminal investigation.
  
- 5.33 At any time, the College may propose, or a party to a Complaint may request, the initiation of a Joint Problem-Solving Process. A Joint Problem-Solving Process is an informal process with a goal of achieving a resolution satisfactory to the Complainant, Respondent, and the College.
- 5.34 Options under the Joint Problem-Solving Process include, but are not limited to, facilitated discussion or mediation. All parties and the College must consent to participate in a Joint Problem-Solving Process.
- 5.35 The College may still be obligated to investigate a Complaint even if the parties have consented to a Joint Problem-Solving Process, and/or reached a satisfactory resolution.
- 5.36 If a resolution is achieved, the parties will sign a statement setting out the terms of the resolution. No resolution may impose obligations on the College without the College's consent.

