
Purpose/Background

Every decision and action in the Division must be legal, reasonable, and ethical to maintain the confidence and trust placed in the Division. The Division is obligated to conduct workplace investigations fairly and impartially for complaints with respect to inappropriate workplace behavior. RVS employees are responsible for knowing, understanding, and complying with all Division policies and procedures. Failure to comply with Division policies and procedures could result in a workplace investigation and disciplinary action.

The Division will investigate, where reasonable information is provided and is related to:

- Workplace harassment, sexual harassment, workplace violence and discrimination based on protected grounds (for example, but not limited to age, ancestry, colour, family status, gender, gender identity, gender expression, mental disability, place of origin, marital status, physical disability, race, religious beliefs, source of income, sexual orientation)
- Complaints alleging wrongdoing, misconduct, or ethical lapses
- Breach of Division policy or procedure (misuse of Division property, theft, fraud, improper payments/gifts such as kickbacks or bribes)
- Improper disclosure of confidential information
- Complaints that raise issues of liability or reputation risk to the Division

Employee: As used in this Administrative Procedure, the term “employee” includes any full-time, part-time, probationary, interim, temporary, term and casual worker as well as volunteers and contractors.

Investigator: Person designated by the Associate Superintendent of Human Resources to conduct an investigation into complaints made at or with respect to the workplace.

Complainant: Refers to the person who makes a complaint.

Respondent: Refers to the person(s) against whom a complaint is being made.

Reprisal: Refers to a negative action or omission against a person who:

- Invokes this procedure, whether on behalf of oneself or another individual
- Participates or co-operates in any inquiry under this procedure
- Associates with a person who has invoked or participated in this procedure
- Performs a legitimate role under this procedure

Workplace: Locations and situations covered by this procedure include, but are not limited to:

- Division facilities
- Other buildings or premises under the jurisdiction of the Division
- Division vehicles
- Social functions sanctioned by or under the jurisdiction of the Division, whether held at Division facilities or at other locations approved by the Division
- Student or work-related travel outside of Division facilities
- Incidents which occur outside the workplace but have negative repercussions at work or adversely affect working relationships

- Harassment by electronic means (e-mail, social media, telephone, voice mail, internet, or fax) or written communication
- Any other locations or events where Division business, operations, or social functions are carried out

Procedures

Lodging a compliant or reporting an incident

1. Any person who feels they have experienced workplace harassment or violence, or witnessed inappropriate behaviour covered under this procedure, may report the incident under this procedure, without prejudice or fear of reprisal to the Associate Superintendent of Human Resources or designate.
2. If someone who is not an employee, e.g., a customer, supplier, etc., shares information with you about an incident of misconduct under this procedure, you shall report the incident immediately to your supervisor who shall then discuss with the Associate Superintendent of Human Resources or designate.
3. If the incident is against your supervisor, you may go to the next level of supervisor or directly to the Associate Superintendent of Human Resources or designate. **Please note:** Teachers have the obligation to follow the Code of Professional Conduct for Teachers and Teacher Leaders and have the option to go directly to the Alberta Teacher's Association under the Code of Professional Conduct for Teachers and Teacher Leaders if the concern is with a fellow ATA member.
4. Any formal written complaint filed by an employee should contain the following information:
 - 4.1. Name(s) of the respondent(s) to the complaint
 - 4.2. Date or dates of the incident(s)
 - 4.3. Location(s) of the incident(s)
 - 4.4. Details of the incident(s)
 - 4.5. Names of any witnesses (if applicable)

Complaint Review Process

5. The Associate Superintendent of Human Resources will review the written complaint and may determine an investigation is warranted if there is sufficient evidence to indicate inappropriate behaviour covered under this procedure has occurred. Effective temporary measures will be implemented to protect the complainant, if necessary.
6. If an investigation is not deemed warranted, the Associate Superintendent of Human Resources will communicate with the employee(s) who submitted the complaint. Various forms of reconciliation may be offered, including mediation.
7. If an investigation is initiated, the complainant will be advised the respondent has a right to know who is making allegations against them and will be provided with a summary of the written complaint for their response.

8. Confidentiality will be maintained at all times except where the disclosure of names is necessary for the purpose of investigating the complaint, when taking any action in relation to the complaint, or where disclosure is required by law.
9. If criminal actions are alleged, witnessed, or found to have occurred, the Associate Superintendent of Human Resources will contact the Police immediately.
10. Whether or not a formal complaint is filed or retracted after filed, the Associate Superintendent of Human Resources or designate may be obligated to proceed with an investigation if it appears that applicable legislation and/or this procedure has been violated.

Investigating a Complaint when deemed warranted by Associate Superintendent of Human Resources

11. The Associated Superintendent of Human Resources will designate an investigator to investigate the complaint.
12. Individual interviews with the complainant, the respondent and any witnesses will be held. If an individual is interviewed, a co-worker, ATA representative or other support person may be present as an observer in the interview.
13. If the investigation reveals evidence to support the complaint, appropriate measures will be taken. These may include disciplinary action up to and including termination.
14. If the respondent is disciplined, the incident will be documented and filed in their personnel file in accordance with Administrative Procedure 402 – Personnel Files and Administrative Procedure 410- Employee Progressive Discipline.
15. If the investigation fails to find evidence to support the complaint, a follow-up letter will be placed in the complainant and respondent's personnel files.
16. If resolution is not achieved, the complainant may exercise their rights under the Alberta Human Rights Act or the Occupational Health and Safety Act, as appropriate.
17. Employees who make legitimate complaints in good faith will not have their employment affected in any adverse manner.
18. Where the complaint is determined to be abusive, frivolous, vindictive, or made in bad faith, the Division will take appropriate action towards the complainant.
19. Reprisal against an individual who has filed a complaint or who has been named as a witness or respondent in a complaint, whether or not the complaint was substantiated may itself become an incident of workplace harassment or violence and could result in disciplinary action being taken by the Division.

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20. Employees involved in the investigation (complainant and respondent) will be informed of the results of the investigation in a formal meeting with the Associate Superintendent of Human Resources or designate.
21. The occurrence of an investigation related to the RVS Workplace Harassment and Violence Procedure will be reported to the Division-Wide Joint Workplace Health and Safety Committee.

References:

- Education Act
- Alberta Human Rights Act
- Employment Standards Code
- Occupational Health and Safety Act
- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act
- Criminal Code
- Individual's Rights Protection Act
- Code of Professional Conduct for Teachers and Teacher Leaders
- RVS Policy 19 – Welcoming, Caring, Respectful and Safe Learning and Working Environments
- Administrative Procedure 404 – Employee Code of Conduct
- Administrative Procedure 410 – Employee Progressive Discipline
- Administrative Procedure 412 – Workplace Harassment and Violence