

PROCEDURE

Procedure Title	Non – Academic Investigation Protocol
Procedure Holder	Organizational Effectiveness
Procedure Approver(s)	
Related Policies	
Related Procedures	
Appendices	
Storage Location	Website - https://www.confederationcollege.ca/policies-and-procedures
Effective Date	
Next Review Date	

Purpose

Confederation College is committed to ensuring that an investigation appropriate to the circumstances is conducted when a report or complaint of a breach of College policy, procedure or process is made. This protocol is designed to ensure a consistent, fair and unbiased examination of the facts and witness accounts with the goal of bringing the matter to closure. Academic disputes are covered by the Academic Dispute Resolution Policy.

Scope

All members of the College community including: employees, contractors, governors, students, student associations, lessees/renters of space, volunteers, visitors, suppliers of services and their employees, and individuals who are directly connected to any College initiatives.

Definitions

Report

A report is made to provide information, and is generally for the reporting of facts or concerns. Reports generally have no expected outcome other than to bring awareness to an issue or concern.

Complaint

A complaint is generally for the reporting of facts or concerns with an expected outcome of investigation of the issue or concern, and a process leading to adjudication and resolution if necessary.

Incident

A situation that constitutes a violation of an existing College policy that comes to the attention of the College in the absence of a complaint.

College Community

Includes Board of Governors, employees, students, student associations, contractors, suppliers of services and their employees, lessees/renters of space, individuals who are directly connected to any College initiatives, volunteers, and visitors.

Reprisal or Retaliation

Adverse action taken against an individual for invoking this policy or for participating or cooperating in an investigation under this policy or for associating with someone who has invoked this policy or participated in the policy's procedures

Vexatious or Bad Faith Complaint

A complaint in which a complainant makes allegations knowing them to be false or submits a complaint for purely malicious or vindictive purpose.

Procedure Statements**1. Selection of Investigator or Investigation Panel**

1.1. Depending on the nature of the matter it may be necessary for one or more investigators to examine a complaint or incident. One lead investigator will be selected who will then, when required, contact, engage, and consult with up to two other designated investigators as an investigation panel.

Investigators will be selected from a pool of trained employees (see Appendix 1) who perform managerial functions and/or parties external to the College with a relevant background. This training will include an orientation to the relevant policies, procedures, and collective agreements (when applicable) with a focus on fair and impartial investigation practices.

1.2. If a prior relationship creates a conflict it is the responsibility of the potential investigator to declare the conflict and excuse themselves from the process.

1.3. If a conflict of interest is identified by either the Complainant or Respondent with regards to the selection of the Investigation Panel, this must be identified immediately to the Director, Human Resources or Designate.

1.4. Designated investigators will respond in a prompt, compassionate, and personalized fashion, maintaining confidentiality at all times.

1.5. Investigators may also seek legal advice from the College through the office of the Director, Human Resources and Organizational Development.

2. Investigation Process

- 2.1. Most investigations at Confederation College will be conducted internally. In complex or sensitive situations or in a situation where it is deemed by the College that an impartial investigation panel cannot be found, an external investigator shall be hired.
- 2.2. Investigations will incorporate, where appropriate, any need or request from the complainant/survivor or respondent for assistance during the investigation process
- 2.3. Investigations will:
 - 2.3.1. begin promptly and diligently (within 10 business days maximum), and be as thorough as necessary, given the circumstances
 - 2.3.2. be fair and impartial, providing both the complainant/survivor and respondent equal treatment in evaluating the allegations
 - 2.3.3. be sensitive to the interests of all parties involved, and maintain confidentiality
 - 2.3.4. be focused on finding facts and evidence, including thorough interviews of the complainant/survivor, respondent, and any witnesses
 - 2.3.5. be completed within 90 days unless there are extenuating circumstances warranting a longer
- 2.4. Investigations will be thorough and include interviews with all necessary parties. Reasonable efforts must be made to interview complainants/survivors, respondents and/or witnesses who are identified and not employed by the College
- 2.5. At any point, if it is decided that the internal investigation process is not sufficient or that the investigation has been compromised; it will become necessary to engage an external investigator.
- 2.6. The investigator/investigation panel will:
 - 2.6.1. review the written complaint if one exists, or the facts of the case, as presented, if no written complaint exists
 - 2.6.2. review available evidence such as virtual communication, handwritten notes, photographs, surveillance footage, physical evidence, etc. This may include consulting with other relevant College departments i.e. Computer Services or Public Safety allow the respondent to review a summary of the allegations and provide a written response if they wish
 - 2.6.3. ensure confidentiality is maintained during the process, but explain the limits of confidentiality to all of the parties
 - 2.6.4. treat all parties with respect and dignity throughout the process
 - 2.6.5. ensure privacy by carefully selecting the interview location – in some cases it may be best to perform interviews off-site
 - 2.6.6. take thorough and complete notes allowing all parties to review the notes taken during the interview, correct as needed and sign, at their discretion, as an accurate reflection of the information stated. Where an investigation panel exists, one set of notes will be recorded as part of the investigation

Revision History

Version	Change	Author	Date of Change

