

Workplace Investigation Procedure

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<p>Approval Authority Vice-President (Services)</p>	
<p>Implementation Authority Associate Vice-President (Labour Relations)</p>	
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- 1 Purpose** The purpose of this procedure is to outline the process by which a Complaint is investigated, evaluated and resolved if the University policy that is alleged to have been breached provides that the Complaint is to be investigated under this procedure or is silent as to an investigation procedure.
- 2 Scope** This procedure applies to Employees of the University unless another policy specifically provides for an alternate procedure.
- 3 Definitions** In this procedure:
- a) “Academic Staff Member” means an individual who is engaged to work for the University and is identified as an academic staff member under Article 1 of the collective agreement between the Faculty Association of the University of Calgary and the Governors of the University of Calgary in effect at the relevant time.
 - b) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, and visiting researchers and scholars.
 - c) “Complainant” means the person alleging a breach of a University policy.
 - d) “Complaint” means a report alleging a breach of a University policy.
 - e) “Contractor” means an individual or a corporation or other entity who agrees to furnish materials to, or perform services for, the University for consideration.
 - f) “Employee” means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.
 - g) “HR” means the department of Human Resources at the University.

- h) “Initial Case Assessment” means a review of the facts alleged in the Complaint to determine, if true, whether they would constitute a breach of a University policy.
- i) “Investigation Report” means the written report summarizing the investigation and the Investigators findings including:
 - i. findings of fact;
 - ii. assessment of all of the evidence; and
 - iii. an analysis and conclusion as to whether or not the Complaint was substantiated.
- j) “Investigator” means the person appointed by the Associate Vice-President (Human Resources) or designee to investigate a Complaint.
- k) “Postdoctoral Scholar” means an individual who has completed a doctoral degree and is carrying out research at the University under the direction and mentorship of a supervising faculty member.
- l) “Reprisal” means Retaliatory Measures that are taken against an individual because he or she has sought advice about making a Complaint, made a Complaint in good faith, co-operated in an investigation of a Complaint, or declined to participate in behaviour that would breach University policy.
- m) Retaliatory Measures include:
 - i. a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
 - ii. any act that adversely affects the employment, working conditions, or education of the individual; and
 - iii. a threat to do any of the above.
- n) “Respondent” means the person who is alleged to have breached a University policy.
- o) “Terms of Reference” means the document prepared by the Investigator that details the scope of the investigation including the allegations to be investigated and the timeline for submitting the Investigation Report.
- p) “University” means the University of Calgary.
- q) “Volunteer” means an individual who, on a voluntary basis, provides a service or materials to the University.

4 Procedure

Initial Receipt of Complaint

- 4.1** Where a Complaint raises issues of safety or security a copy of the Complaint may be forwarded to Campus Security. The Calgary Police Services or emergency responders may also be contacted.
- 4.2** Where a Complaint raises issues of privacy, a copy of the Complaint will be forwarded to the University Access and Privacy Office.
- 4.3** Where a Complaint raises issues of liability or reputational risk to the University a copy of the Complaint will be forwarded to the General Counsel for the University.
- 4.4** All Complaints alleging breach of a University policy where the Respondent is an Academic Staff Member, Appointee, Postdoctoral Scholar, Contractor or volunteer

will be forwarded promptly to the Protected Disclosure Advisor for assessment under the Procedure for Protected Disclosures.

- 4.5 All Complaints alleging a breach of a University policy where the Respondent is an Employee will be forwarded promptly to the Associate Vice-President (Human Resources) unless the policy at issue provides for an alternate procedure.
- 4.6 The Associate Vice-President (Human Resources) or designee will complete an Initial Case Assessment.

Notification

- 4.7 Where the Initial Case Assessment determines that the facts alleged in the Complaint, if true, would result in a breach of University policy and a formal investigation is warranted, the Associate Vice-President (Human Resources) or designee will appoint an Investigator.
- 4.8 The Investigator will notify the Complainant and the Respondent that the Complaint has been referred to an Investigator.
- 4.9 Where the Initial Case Assessment determines that the facts alleged in the Complaint, if true, would not result in a breach of University policy, the Associate Vice-President (Human Resources) or designee will notify the Complainant that the Complaint will not be investigated pursuant to these procedures and may refer the Complainant to other resources as appropriate.

Investigation

- 4.10 The Investigator will prepare Terms of Reference which must include timelines for completion of the investigation.
- 4.11 The Terms of Reference will be submitted to the Director of HR Services for review and approval.
- 4.12 The Investigator will conduct an investigation of the Complaint and provide the Respondent a summary of the allegations to provide the Respondent with an opportunity to respond to the Complaint.
- 4.13 Where applicable, the Complainant and Respondent may elect to have a union or faculty association representative present during meetings with the Investigator.
- 4.14 The Investigator shall prepare an Investigation Report. The Investigation Report will be submitted to the Associate Vice-President (Human Resources).
- 4.15 If during the course of the investigation, the Investigator identifies any concerns beyond the scope of the investigation, they may prepare a memo to be submitted to the Associate Vice-President (Human Resources) to aid in post-investigation follow-up or remedial steps. This memo must be separate from the Investigation Report.

Outcome

- 4.16 The Associate Vice-President (Human Resources) or designee will notify the Complainant and the Respondent in writing of the outcome of the investigation.
- 4.17 In accordance with the *Occupational Health and Safety Act (Alberta)*, if a workplace harassment Complaint has been substantiated, the university will notify the

Complainant of the corrective action(s) the employer is taking to eliminate and prevent workplace hazards.

- 4.18** A Respondent who is found to have breached a University policy may be subject to disciplinary action up to and including termination of employment or other relationship with the University. Disciplinary action will be taken in accordance with the provisions of any applicable collective agreement.
- 4.19** A Complainant who is found to have made a frivolous or vexatious Complaint may be subject to disciplinary action up to and including termination of employment or other relationship with the University. Disciplinary action will be taken in accordance with the provisions of any applicable collective agreement.
- 4.20** HR may undertake any post-investigation follow up or a review of other concerns that may have been identified by the Investigator.

Records

- 4.21** Where it has been determined that a policy breach did occur and disciplinary action was taken, a summary of the outcome of the investigation and a letter indicating the disciplinary action taken are the only documentation that will appear in the Respondent's personnel file.
- 4.22** Records pertaining to the investigation will be retained in accordance with the University's document retention policies and any applicable collective agreement.

5 Parent Policy

[Harassment Policy](#)

6 History

October 23, 2015	Approved.
January 1, 2016	Effective.
September 28, 2020	Editorial Revision. Added s. 4.17.
December 1, 2020	Editorial Revision. Updated format and links.
September 19, 2022	Editorial Revision. Updated titles.