



Procedure Name	<b>RWLE EMPLOYEE RESOLUTION</b>			<i>Revised</i>
Procedure Number	PR-HR-01-01	Approval Date	January 8, 2025	
Parent Policy	Respectful Work and Learning Environment			
Procedure Authorities	Director, Human Resources, Manager, Policy and Compliance			
Executive Sponsor	Vice-President, Administration and Finance			
Approved By	Vice-President, Administration and Finance			

**1. PURPOSE**

This procedure provides information to Medicine Hat College (MHC) employees who are subjected to disrespectful behaviour, discrimination, harassment, or workplace violence by another MHC employee, as defined in HR-01 Respectful Work and Learning Environment and outlines the steps to be taken to reach resolution.

These procedures do not apply to students who are respondents to allegations of disrespectful behavior, discrimination, harassment, or other non-academic misconduct complaints. For these, please refer to PR-SD-04-01 Student Non-Academic Misconduct Procedures.

These procedures do not replace or modify individual rights guaranteed by law.

**2. SUPPORTING**

- HR-01 Respectful Work and Learning Environment (the **Policy**)

**3. DEFINITIONS**

- **College Executive:** any college employee holding one of the following titles: President and CEO or Vice-President.
- **Facilitator:** the person who, in their official capacity, receives and manages the complaint to resolution.
- **Frivolous or Vexatious Complaint:** a complaint in which a complainant makes allegations knowing them to be false or malicious.
- **Working Day:** any day from Monday to Friday when the college is open. Holidays and weekends are not considered working days.

**4. RESPONDING TO ALLEGED VIOLATIONS**

As in all risks to safety, employees who are aware of or who witness conduct or actions that may constitute disrespectful behavior, discrimination, harassment, and workplace violence have an obligation to report it to their supervisor. The supervisor has a responsibility to take appropriate action to protect the health and safety of employees.

In situations involving alleged workplace violence or other significant violations of the policy, and there are sufficient grounds, the college retains the right to progress immediately to a formal investigation

process. The decision to proceed to a formal investigation will be undertaken in consultation with Human Resources and the appropriate supervisor.

Complaints must be made no later than one year from the date of the incident, barring exceptional circumstances, and should be filed as close to the incident date as possible.

A complainant has the right to file a report with the police.

A complainant has the right to contact the Alberta Human Rights Commission to file a complaint of discrimination based on the protected grounds defined under the Alberta Human Rights Act. The Alberta Human Rights Commission will receive complaints made within one year from the date of the alleged contravention of the Act.

Complaints may be withdrawn at any time; however, the college may be legally required to proceed with an investigation.

Facilitating effective timelines is essential in this process to ensure resolution takes place as quickly as possible. A facilitator may grant reasonable extensions of time periods set out in this procedure.

## **5. RESOLUTION**

At any time, a complainant, respondent, or witness may seek advice and guidance from any of the following: supervisor, next level supervisor, union or association representative, Human Resources, or human rights advisor.

Attempts to address concerns through self help should be made, when appropriate, with a goal of resolving the conflict and/or conduct through facilitated discussion, collaboration, and cooperation of all involved.

A formal complaint may be made if self-help or supervisory intervention is not appropriate based on the nature of the concern.

On a case by case basis, resolution may be considered at any time during the process as an acceptable outcome provided it is mutually acceptable to the complainant and the institution.

### **5.1 SELF-HELP**

Employees who feel they have been subjected to a violation of the RWLE policy are strongly encouraged to immediately inform the individual that the behaviour is unwelcome and request that it stop.

If the employee does not receive a satisfactory resolution, or where there is a power imbalance or other intimidation factors, they should seek guidance from their supervisor or human resources to discuss the concern and review the options and procedures for resolution.

The employee should document dates, times, witnesses, and a summary of interactions for their own records.

### **5.2 SUPERVISORY INTERVENTION**

If self-help has not resolved the concern, the employee may request intervention from their supervisor (if the concern is with an immediate supervisor an employee may request intervention from their next level supervisor or Human Resources).

If they have not already, the employee should inform their supervisor of the concern. With employee consent, the supervisor completes and submits the Supervisory Intervention Form to

Human Resources. The supervisor may seek guidance and support from Human Resources at any time.

If the respondent is not within their portfolio, the supervisor will arrange a meeting with the respondent's supervisor to discuss the concern. The supervisor(s) may facilitate a meeting between the complainant and the respondent. It is the responsibility of the appropriate supervisor(s) to address and document the concern in a timely, appropriate manner.

Referrals to other supports may be provided and remedies and/or sanctions may be applied as appropriate.

### **5.3 FORMAL RESOLUTION**

If the issue is not resolved through the above resolution processes, the complainant can submit a Respectful Work and Learning Environment Formal Resolution form to Human Resources. Within 15 working days, or as soon as reasonably practical, the facilitator (Director, Human Resources or designate) determines if there are sufficient grounds to proceed with a formal investigation under the RWLE policy and will inform the complainant.

If it is determined an investigation should not be initiated, other resolutions will be considered.

## **6. INVESTIGATION**

An impartial determination will be made to appoint an internal or external investigator. Internal investigations will consist of two investigators and are appointed at the discretion of the facilitator. If an external investigator is required, the appropriate vice-president will be consulted.

If the respondent is a college executive, the complaint will normally be referred to an external investigator who will fulfill all the responsibilities of the facilitator.

The facilitator (Director, Human Resources or designate) informs the complainant and respondent of the impending investigation after an investigator(s) is appointed. The investigator(s) will contact the complainant and respondent to inform them of the investigation process. The investigator(s) will notify the respondent of the allegation(s) in writing with a minimum of three working days before an interview.

Direct interaction between complainants and respondents regarding the allegation(s) during the formal resolution process is not permitted. In consultation with Human Resources, the relevant supervisor(s) may implement workplace modifications if required.

Investigator(s) will conduct interviews with the complainant, respondent, and witnesses separately. All parties may have union or association representation present if requested.

If, during the existing investigation, another violation is alleged or a new complaint is received, the investigator(s) will disclose the findings to the facilitator, who will assess the alleged violation or new complaint to determine if it falls within or outside of the existing investigation scope.

If it is determined to be within the scope of the current investigation, the investigator(s) will share the allegation(s) with the respondent during the investigation and allow sufficient time for the respondent to respond. Given the new information, the process will be resumed as soon as possible.

If it is determined not to be within the scope of the existing investigation, a separate resolution process will begin for the new allegation(s).

After completing an investigation, the investigator(s) will submit a report outlining:

- (a) the allegation(s),
- (b) an account and analysis of all relevant information obtained on the allegation(s),
- (c) whether or not the allegation(s) is substantiated and the basis for that conclusion(s), and

(d) any policy or legislation breaches.

All records created or received by the investigator(s) in the course of the investigation may be included in the report.

Investigator(s) are not responsible for making recommendations for remedies or sanctions.

Every effort will be made to complete a formal investigation normally within 90 working days from when the complainant was informed a formal investigation would proceed under the RWLE policy (section 5.3). The report will be provided to the facilitator who will share the report with the appropriate supervisor(s). Human Resources and the supervisor(s) will determine appropriate sanctions or remedies.

The complainant and respondent will receive written notification of the conclusion of the investigation outlining any substantiated and unsubstantiated allegations, normally within 10 working days from when the facilitator receives the investigation report.

The complainant and respondent will not be advised of respective remedies or sanctions.

## 6.1 APPEALS

Within 15 working days of receipt of the conclusion, the complainant or respondent may appeal in writing to the appropriate college executive on one or more of the following grounds with supportive evidence:

- (a) alleged bias of investigator(s),
- (b) alleged breach of the principles of procedural fairness, or
- (c) the availability of substantial new evidence previously unavailable to investigator(s).

The college executive must not have been involved with the complaint process. In the event they were involved, the appeal will be forwarded to an alternative college executive.

The college executive will advise the facilitator that an appeal has been received and determine if there are grounds for an appeal. If the appeal is denied the requestor will be notified.

If the appeal is accepted, an impartial determination will be made by the facilitator and the appropriate college executive to re-engage the same investigator(s) or if a new investigator(s) should be appointed. The complainant and respondent will be notified of the investigation.

The complainant and respondent will receive a written summary of the conclusion of the appealed investigation outlining any substantiated and unsubstantiated allegations.

The complainant and respondent will not be advised of respective remedies or sanctions.

**The decision of the college executive is final and binding.**

## 6.2 PROCEDURAL FAIRNESS

Throughout the investigation process, all parties involved are entitled to fair treatment which includes:

- (a) Having the investigation process completed as quickly as possible.
- (b) Reasonable notice of any meeting at which attendance is requested.
- (c) As a respondent, reasonable notice of a complaint and its nature to be able to respond to it.
- (d) To bring evidence to the attention of the investigator(s).
- (e) Consideration whether there are any obstacles or factors which might hinder a person's ability to respond to an allegation(s) or to make a submission on any matter, and otherwise make appropriate allowances so that a person's submission or response will be taken into consideration.

- (f) Allowing designated union or association representatives to accompany the parties at the discretion of the employee.
- (g) A conclusion being made without bias or the appearance of bias, acting only on relevant information or evidence with a standard of proof based on the balance of probabilities.
- (h) Investigator(s) giving genuine and proper consideration to the particular merits of a person's case before reaching a conclusion, and not take into account facts or considerations unrelated to the matter.

#### **6.2.1. COMPLAINANT'S AND RESPONDENT'S RIGHTS**

##### **Complainant's**

- (a) To file a complaint and have it dealt with in a timely fashion without fear of reprisal.
- (b) To have union or association representation.
- (c) To be informed about the process and progress of the investigation.
- (d) To keep their own notes regarding details of the complaint such as, the behaviors, when and where incidents occurred, responses, and the names of any possible witnesses.
- (e) To be informed of the investigation conclusions.
- (f) To be informed of other avenues for complaints to be raised via internal procedures or through the Alberta Human Rights Commission if based on a protected ground.

##### **Respondent's**

- (a) To be informed in writing of and respond to the filed complaint.
- (b) To have union or association representation.
- (c) To be informed that the process could result in a record on a personnel file.
- (d) To be informed about the process and progress of the complaint, and to receive fair treatment.
- (e) To keep their own notes regarding details of the complaint such as, the behaviors, when and where incidents occurred, responses, and the names of any possible witnesses.
- (f) To be informed of the investigation conclusions.

### **7. DISCIPLINARY PROCEDURES**

Disciplinary action in the form of remedies or sanctions may be taken during the supervisory intervention or formal resolution process if it is determined a policy violation occurred.

An investigation that does not find a violation may still result in a finding of behaviour that does not comply with expectations and may require corrective action.

Disciplinary action will be documented on the employee record and will comply with the provisions of the applicable collective agreement or with the college standard practice on progressive discipline.

Frivolous or vexatious complaints will be dismissed and may lead to discipline.

#### **7.1 REMEDIES AND SANCTIONS FOR RESOLUTION**

Remedies may include but are not limited to:

- (a) a direction to cease and desist the behavior(s),
- (b) initiation of a program of education to address the areas of concern, or any other appropriate action, or
- (c) provision of a written apology from the respondent to the complainant.

Sanctions may include but are not limited to:

- (a) a reprimand in verbal or written form,

- (b) a direction to participate in a program of education and/or counseling as a condition of continued employment or contract,
- (c) attendance at sensitivity or other form(s) of training,
- (d) a restriction of access to specified areas of the college,
- (e) a suspension for a defined period (with or without pay),
- (f) termination with cause, or
- (g) any other appropriate sanctions commensurate with the severity of the incident or repeated offences.

#### **8. INFORMATION PRIVACY AND CONFIDENTIALITY**

All participants must keep the investigation, its process, any findings, and information discussed confidential.

Participants cannot ask individuals if they participated in the process and cannot speak to any individuals who might have participated in the process about the subject matter of the investigation, or the contents of discussions within the investigation.

Records must be retained or destroyed according to MHC's Records Retention and Disposition Schedule. Records, documents, or objects must not be altered, distorted, concealed, or destroyed for the purpose of impeding or obstructing any investigation conducted by MHC or any government or regulatory agency.

#### **9. CONFLICT OF INTEREST**

If the nature of a complaint places the facilitator in a conflict of interest a college executive who has no involvement in the situation will identify an alternate facilitator.

If there is potential for a real or perceived conflict of interest regarding the President and CEO's role in the resolution of a complaint, they will be excused from the proceedings and the Chair of the Board of Governors will determine who will act in that capacity.

During the investigation process, the college retains the right to withhold awards or recognition of complainants and respondents. Complainants and respondents must refrain from self-promoting awards or other forms of self-recognition during an investigation.

#### **10. ADDITIONAL INFORMATION**

RWLE Formal Resolution Form  
RWLE Supervisory Intervention Form  
MHC Faculty Association Collective Agreement  
MHC AUPE Collective Agreement  
MHC Terms of Employment for Management and Excluded Employees

***Original Copy Signed***

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Wayne Resch  
Vice-President, Administration and Finance

Date: January 8, 2025

**DOCUMENT HISTORY**

March 2015	Procedure approved
March 2020	Revised procedure approved
January 2025	Revised procedure approved