



## Elected Representatives Code of Conduct Complaint Procedure

### Rationale

The Elected Representatives Code of Conduct Complaint Procedure provides clear guidance on the process of filing a complaint, including the various avenues and processes that may occur to reach a resolution.

### Definitions

The **Chair** in this procedure refers to the chair of the Governance Investigations and Reinstatement Committee

A **Complaint** is a formal written expression of dissatisfaction regarding the conduct of an Elected Representative in accordance with the Elected Representatives Code of Conduct Policy

The **Complainant(s)** are one or more individuals who have made a Complaint against an Elected Representative.

The **Formal Resolution Process** is the part of the resolution of a Complaint where disciplinary action is required, after either the failure of the Informal Resolution Process or at the discretion of the Chair of the Governance Investigations and Reinstatement Committee.

The **Informal Resolution Process** is the part of the resolution process where the parties involved in the complaint attempt to work out the complaint through mediation.

A **Respondent** is an Elected Representative whom a complaint has been made against.

### Expectations

#### Initiating the Complaint Process

1. Any individual who wishes to bring forward a suspected violation of the Elected Representatives Code of Conduct Policy must follow the following process:
  - 1.1. Fill out the SAMU Complaint Form (Appendix A) and submit the form to the Governance Office through the channels provided.
  - 1.2. Upon receipt of the form, the chair of the Governance Investigations and Reinstatement Committee ("the Chair"), with consultation from the Governance Office will evaluate whether the complaint requires further action.
    - 1.2.1. Any frivolous, vexatious, trivial, vindictive, or unsubstantiated accusations may require no further action.



- 1.2.2. In the case a complaint requires no further action, the Governance Office, on behalf of the Chair, will notify the Complainant and the Chair will provide a report to Students' Council that a complaint was filed.
- 1.2.3. If the Complaint requires further action, the Chair may either initiate the Informal Resolution Process or the Formal Resolution Process dependent on the nature of the Complaint.
- 1.2.4. The Governance Office, on behalf of the Chair, will notify the Respondent of the Complaint in its entirety if further action is required.
- 1.2.5. If an informal resolution cannot be reached, or any decisions reached violated, the Formal Resolution Process will automatically be initiated.

### **Informal Resolution Process**

2. Once the Informal Resolution Process is initiated the Governance Office will procure a third-party individual to mediate the process in a timely manner.
  - 2.1. The individual must be a human resources or legal consultant.
3. After securing the mediator, the Governance Office will inform all parties involved that the Informal Resolution Process will officially begin and facilitate booking meetings between the mediator and all parties involved.
4. The Informal Resolution Process may include a variety of potential methods to reach resolution including but not limited to:
  - 4.1. facilitated discussions led by the mediator;
  - 4.2. one on one discussions with the mediator as a predominantly silent observer.

### **Informal Resolution Process Principles**

5. Restorative justice practice will be the default method for resolving a violation under the Elected Representatives Code of Conduct Policy. This process will focus on the following principles:
  - 5.1. The people most affected by the violation should be able to participate in its resolution.
  - 5.2. Repair harm caused by the violation and reduce future harm through preventative actions.



- 5.3. The Respondent must take responsibility for their actions and the harm they caused.
- 5.4. Remedying or setting right the negative impact of the Respondent and reintegrate all parties back within the community if this is possible without causing further harm.
- 5.5. A cooperative effort by the Complainant, Respondent, and mediator is necessary.

### **Informal Resolution Process Goals**

6. Goals of the Informal Resolution Process include, but are not limited to:
  - 6.1. Stopping offending conduct; and
  - 6.2. Restoring relationships amongst the parties involved.
7. The goals can be achieved through a variety of methods including but not limited to:
  - 7.1. An agreement decided upon between the parties involved;
  - 7.2. Corrective or remedial actions;
  - 7.3. Additional training.

### **Formal Resolution Process**

8. The Formal Resolution Process will be initiated if there is a clear violation of the Elected Representatives Code of Conduct Policy or if the Informal Resolution Process was unsuccessful and disciplinary action must be determined.
9. Upon initiation, the Governance Office will begin to fill the Governance Investigations and Reinstatement Committee and will inform all parties that the Formal Resolution Process has been initiated.
10. Upon the Formal Resolution Process beginning the Respondent will be provided the opportunity to respond to the Complaint, in a written statement.
  - 10.1. The Respondent's written statement is due to the Governance Office within 5 business days from the day the official Formal Resolution Process initiation is communicated to the parties involved.
11. The Governance Investigations and Reinstatement Committee shall meet, review all evidence, and provide a recommendation to Students' Council on any action to be taken

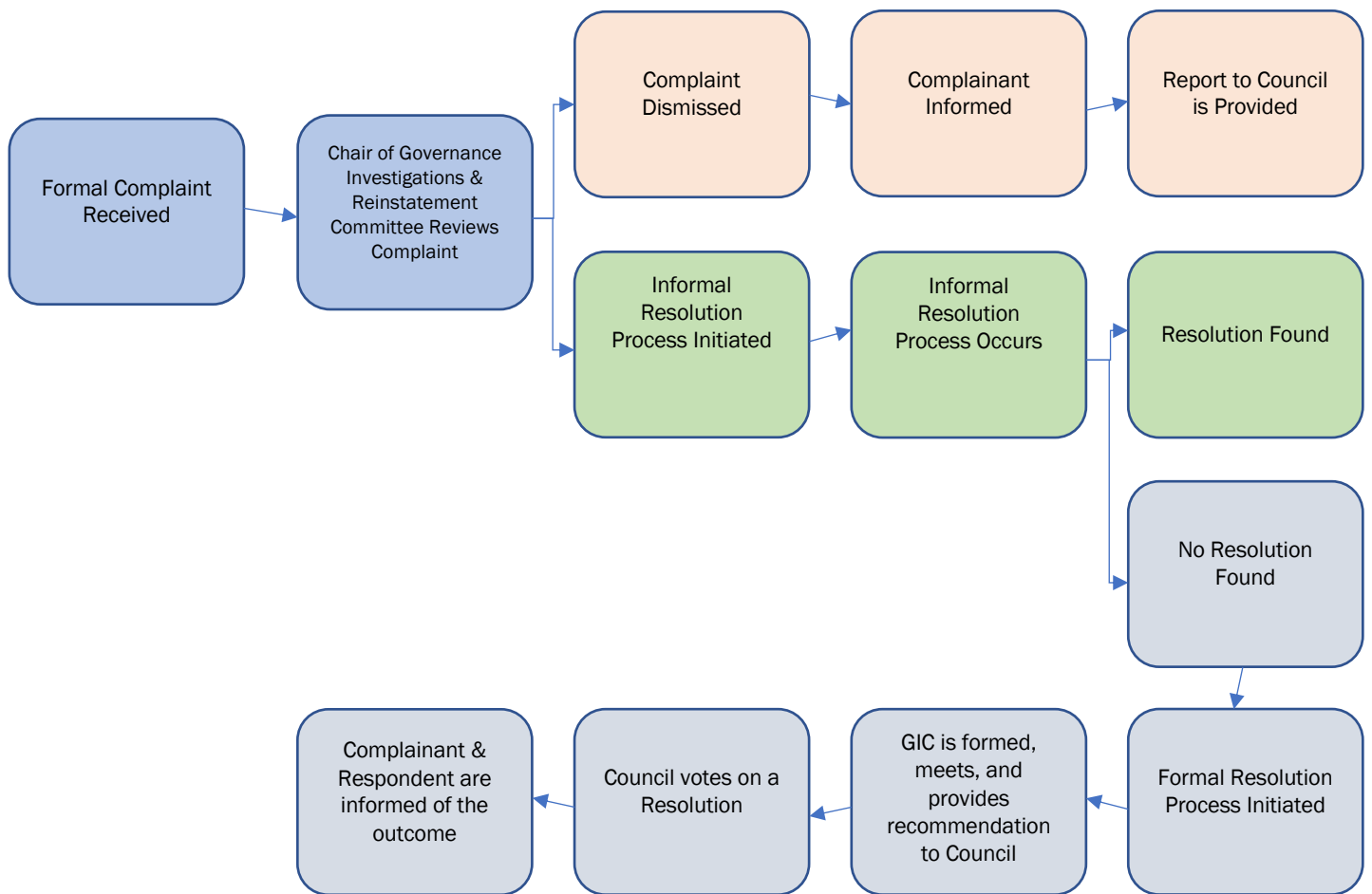


12. The Chair of the Governance Investigations and Reinstatement Committee will provide an in-camera report to Students' Council regarding the Complaint along with the committee's recommendation.
  
13. Students' Council, as the final arbitrator of the Elected Representatives Code of Conduct Policy, will vote on the recommendation out of camera and all parties involved will be informed of Council's verdict.



Appendix A: Elected Representative Code of Conduct Complaint Process Flowchart

Elected Representatives Code of Conduct Complaint Process Flowchart





### Appendix B: Elected Representative Conduct Complaint Form

The Code of Conduct complaint process provides a way for students and other members of the campus community to hold SAMU Elected Representatives accountable. The complaint process ensures that complaints are addressed in a way that is fair, impartial and respectful of all parties.

This process is for complaints related to the conduct of SAMU Elected Representatives. If you would like to submit a complaint regarding the SAMU elections please refer to the Elections Complaint Process.

#### Instructions:

1. Fill out this form in its entirety. Be concise, provide factual details and attach any additional supporting evidence.
2. Formal Complaints are accepted in person at the SAMU Offices (SA-301) Monday to Friday 8:30am to 4:30pm. Submit this form an envelope addressed to the Governance Office labeled 'private'.
3. Complaints are also accepted online via the SAMU website

Complainants can expect to receive an initial receipt of the complaint within two business days from a member of the Governance Office. You may be contacted and asked to provide additional information so the complaint can be investigated.

<b>Complainant Information</b> <i>We are unable to accept anonymous complaints. Please provide your contact information so we can properly investigate and provide a response to your concern.</i>	
Name of Complainant(s)	
Phone Number	
Email	
Student ID Number	

<b>Respondent Information</b> <i>We need to know specifically who your complaint is about so we can accurately investigate and take appropriate action. If your complaint involves multiple Elected Representatives, please provide a separate form for each respondent.</i>	
Name of Respondent	



**Witness Information**

*If there are any witnesses to the complaint, please include them here as they may be called upon to provide an account.*

Witness name & email

Witness name & email

**Reason for the Complaint**

*Tell us what happened. If you know what sections of SAMU Policy that might have been violated, include those here. Make sure to include the names of others who might have been involved, provide a timeline of events, reference any additional supporting documents you might include with your application, including notable correspondence related to what happened and documentation of prior attempts to resolve the complaint, if applicable.*

I hereby certify that the information included in this complaint is accurate to the best of my knowledge

Signature of Complainant

Submission Date



## Fact Sheet

### Approvals:

First Approval – October 19, 2022

Last Approval –

### Date of Last Review:

### Source and Updates:

October 19, 2022: Elected Representatives Code of Conduct Complaint Procedure approved by Executive Committee motion E2022-10-19-2.

### Related Documents and Forms: