

Academy for Lifelong Learning, Toronto

Process for handling a complaint that there has been a breach of the Code of Conduct

Introduction

This document is prepared as a guide for Conduct Review Teams to support them in the management of complaints against, and/or alleged breaches of, the Code of Conduct of the Academy for Lifelong Learning.

This document is found only in the password protected Board **Members** section of the ACADEMY website, and is kept for the use of the Conduct Review Teams at the time of a complaint.

Documents that are available for members of the Academy when making a complaint are found on the password protected Members section of website; and are:

1. The Code of Conduct (this is also found on the open part of the website but is attached for convenience at the “complaints” part of the **Members** page),
2. Complaint Form, which includes the information necessary for filing a complaint and must be filled in by the complainant. See Appendix B for a copy of the form, and
3. A guide to the process of filing a complaint, titled “How to make a complaint that there has been a breach of the Academy’s Code of Conduct

Glossary of Terms used within this document

- Complainant: the member who brings forward an alleged breach of the Code of Conduct, or complaint against another member
- Respondent: the member against whom an alleged breach, or complaint, is made
- CRT: Conduct Review Team
- Trivial or frivolous: lacking in merit with respect to the code.

Timeframe for Handling Complaints

Complaints are to be made to the Past President and managed by the Conduct Review Team, and **should** be actioned as soon as possible. There is urgency in the management of complaint issues, both for the parties involved and for the health of the Academy. All steps in the process must be carried out as efficiently and professionally as possible.

The Board understands that a number of factors can affect timing in the handling of complaints, and therefore has not imposed a set timeframe.

1 Obligation to Report

1.1 If a member of the Academy believes that they have been witness to or the subject of a violation of the Code of Conduct the member should file a complaint, using the Complaint Form, with the Past President of the Board of Directors, who acts as Chair of the Conduct Review Team (CRT).

The member may make an initial verbal or email report to the Past President, but the complaint cannot be processed without preparing a statement in the Complaint Form. The form must be signed by both the complainant and the Past President.

1.2 In the event that information comes to the attention of any Board member regarding questionable behaviour of a member that may be a breach of the Code of Conduct, that Board director is obliged to complete the Complaint Form and file it with the Past President.

2. Withdrawal of Complaint

2.1 It is possible that the complainant and respondent may choose to resolve the issue themselves, once the complaint is known to the respondent, and before the CRT process begins. If this is the case, the involved members will provide confirmation of their resolution to the Past President. If the resolution is deemed appropriate by the Past President, any records to date will be eliminated and the matter will be considered dissolved.

2.2 Complaints may be withdrawn by a complainant and the Past President, when both agree that the withdrawal is deemed appropriate. If this occurs, the Past President will inform the respondent immediately.

3. Forming the Conduct Review Team (CRT) and commencing the process

3.1 When a complaint has been made, the Past President alerts the President and provides the names of the members involved, and basic information about the complaint.

3.2 If the Past President believes, because of personal knowledge of the parties involved, that he/she will be in a conflict of interest during the complaint review process, he/she will inform the President, and the President will appoint another member of the Board to chair the CRT.

3.3 The CRT will communicate with the complainant to review contents of the Complaint Form, ensure that the complainant has a copy of the Code of Conduct and the Guide to Complaints, explain the duty and process of the CRT, emphasizing that the information involved in the complaint will be kept confidential by the CRT.

3.4 The CRT will communicate with the respondent to provide the information contained in the Complaint Form and cover the same information about the process as is covered in 3.3 with the complainant.

3.5 The Chair of CRT will select two suitable members of the Academy to compose the CRT, in accordance with the Terms of Reference for the CRT, immediately emphasizing confidentiality. The Chair will provide all necessary documents to the two members – including the Code of Conduct, these procedures, the members guide to making a complaint and the Complaint Form which has been submitted specific to this case. The Chair will provide the names of the CRT members to the President.

3.6 The Chair will set up a case file, accessible to the three members of the CRT.

3.7 All electronic records of the transactions and correspondence about the case will be shared as confidential documents and will be stored either on a USB or an external hard drive which will be used only for the Code of Conduct complaints files. The files will be accessible after the case has closed only to the Past President and/or President. The USB/external hard drive will be transferred to the new Past President as of the Academy annual general meeting in June.

4. Assessment of the Complaint

4.1 The Chair will call a first meeting of the CRT. The purpose of the first meeting is to review all available information and determine whether the complaint contains information that is a matter covered by the Code of Conduct, or if the complaint is trivial or frivolous.

4.2 When the CRT determines that the complaint is "trivial" or frivolous" the Chair will communicate this decision to the complainant with an explanation of why the complaint does not meet the standard of breach of the Code of Conduct. The Chair will thereafter convey the same outcome and information to the respondent.

4.3 Once the CRT determines that a complaint merits further investigation and/or action it must first decide if an interim action is required, in order to temper the situation in the short term. Such actions might include, but are not limited to:

- directing one or both parties not to interact with the other;
- restricting either or both parties from facilitating workshops;

- restricting one or both parties from attending workshops or other Academy **functions**;
- temporarily suspending either party from the Academy during the investigative and resolution process.

4.4 If the CRT determines that interim action is necessary the Chair will contact each party individually as soon as possible. The Chair will advise and explain the interim action including an estimate of time for which this restriction applies. The Chair should also confirm the interim action and timeframe in writing to the member(s) involved.

See Appendix A for a list of possible interim and long-term resolutions.

4.5 The CRT will assess the facts of the case.

4.5.1 If the team believes that the complaint might be easily resolved without requiring further investigation, it will call a meeting of the parties and attempt an early resolution.

4.5.2

If the team thinks that the case requires more investigation, it will proceed to investigate and let the parties to the complaint know that it is doing so.

5. Meetings and Facilitating of Resolution

5.1 After the information is gathered, the CRT will disclose the results to the parties and make attempts at resolution.

5.2 Actions that should be undertaken to work out a resolution through a meeting of the two parties include:

- a) The Chair informs the complainant and respondent of the CRT meeting with them to address the complaint and to facilitate a resolution.
- b) The Chair establishes the time and place and sets a time limit on the meeting.
- c) A record of the critical information and outcomes of the meeting will be kept.
- d) The complainant and the respondent are invited to meet face to face, but may prefer to meet separately. If one of them so wishes then the CRT will meet with them separately during the meeting and carry information from one to the other.
- e) Both parties are given full opportunity to present their account.
- f) The CRT works to facilitate a resolution acceptable to the parties to the complaint and to the CRT. A list of some of these remedies is found in Appendix A– others may be appropriate.

- g) The Chair of the CRT prepares a final document reflecting the resolution.
- h) The parties to the complaint and the Chair of the CRT must clearly indicate their agreement with the resolution to the satisfaction of the Chair of the CRT, and sign off on the resolution.
- i) The Chair of the CRT informs the Board Executive of the outcome.
- j) The case is logged and closed, and the CRT dissolves.

5.3 Resolutions do not necessarily require a physical meeting of the parties – they may, for example, be developed through email correspondence that is transparent among the members of the CRT and the two parties to the complaint. This process is similar to that of a meeting, but requires, in addition, that

- a) the CRT communicates amongst itself as to resolution, with the Chair of the CRT in control of the final copies;
- b) The Chair of the CRT keeps a sequential list of the correspondence and logs it in the secure record.
- c) The Chair of the CRT prepares a final document reflecting the resolution;
- d) The parties to the complaint and the Chair of the CRT must clearly indicate their agreement with the resolution to the satisfaction of the Chair of the CRT, and sign off on the resolution;

6 Case Not Resolved

6.1 If the CRT is unable to facilitate a resolution, the Chair of CRT will report the outcome, with any recommendations, to the Board Executive.

6.2 If a party to the complaint voluntarily withdraws from the Academy during the complaint process the case is unresolved and is considered to be in abeyance.

6.2.1 The Chair will record and save this information to the record of the case; flagging the member's name to the Membership Committee as party to an unresolved complaint.

6.2.2 Should the member wish to re-register at the Academy the Past President of the standing board should be informed, and will decide what action is appropriate.

6.3 If the CRT believes that there should be a termination of membership for one or more members involved in the case, the Chair will report this recommendation, with rationale, to the Board Executive.

Only the Executive Committee of the Board has the authority to terminate membership in the case of a complaint. It may do so for an indefinite or limited period of time.

6.4 When the CRT reports either an inability to facilitate a resolution or makes a recommendation for membership termination to the Board, the Executive Committee of the Board will meet to determine how to deal with the case.

6.5 The decision reached by the Board Executive will be final and will be conveyed to the parties by the President of the Board. The CRT Chair will complete and file the records, as required.

May 15, 2019

Appendix A

Some Possible Resolutions

The following are some of the resolutions that might be considered. The list does not preclude other resolutions. Agreements can be made with or without time periods.

- Apology that is accepted
- Apology with agreement regarding future behaviour or activities
- Parties agree to stay out of each other's way while at Academy events
- Party is restricted from Academy events
- Party is restricted from facilitating workshops
- Party is restricted from serving on committees or being in a decision-making capacity
- Party leaves Workshop where incident happened
- Party withdraws for a **defined** period of time from stated Academy activities
- Party withdraws his or her membership in the Academy

May 15, 2019

**Appendix B -- NOT READY—
form must include the following**

Title of Form	
Date	[date of filing]
From	[name of complainant]
Email	[email address of complainant]
Telephone	[cell or landline phone number of complainant]

Description of incident or circumstance, which should include

- **full name of the member of the Academy against whom complaint is being made**
- **date of the incident or circumstance**
- **where it took place and whether there were witnesses**
- **description of the incident or circumstance**
- **the part of the Academy's code of conduct that he/she believes has been breached**
- **remedy the complainant believes should be offered**