

BOARD POLICY MANUAL

Type: Governance Process

Approved: June 19, 2018

Policy: GP-20 Handling of Complaints Against Board Members

Revised: October 26, 2023

Last Reviewed: August 15, 2024

Purpose

The purpose of this policy is to encourage positive working relations between board members, staff and society members. This policy will only deal with instances where a board member is acting as a representative of the Board, not as a member of the public. Further, the policy focuses on the resolution of conflicts with sensitivity, promptness and discretion.

This policy applies to all board members.

Guidelines

In accordance with the Board's Code of Conduct (GP-8), board members will:

- recognize that individual board members have no authority to act on behalf of the Society or the Board, and that the Board functions only as a Board through duly adopted policies and actions approved by the Board as a whole.
- at all times, show respect for others in the board member's verbal and non-verbal language and work with fellow board and staff members in a spirit of co-operation, regardless of personal differences of opinion, treating all with mutual courteous respect and encouraging the free exchange of diverse views.
- not pursue any procedure calculated to embarrass another Board or staff member.
- make a personal commitment to conduct Board affairs ethically and responsibly.

If a complaint is filed by or against the Board Chair, all references to "Board Chair" should be substituted with "Vice Chair".

Definitions

Complaint is an issue involving alleged objectionable act, comment or display that demeans or belittles, or that causes personal humiliation or embarrassment, or that intimidates or threatens another person(s) in the school community, committed by a board member who knew or ought reasonably to have known that such act would cause offense or harm.

Improper Conduct relates to contraventions of GP-8, Code of Conduct, and may be verbal, physical, written or electronic.

Complainant is a member of the school community.

Respondent is a board member who has allegedly offended another person.

Informal Complaint Procedure is a method used to resolve complaints that are not of a formal nature.

Formal Complaint Procedure is a method used to resolve complaints of a serious nature and/or those complaints that cannot be resolved through the Informal Complaint Procedure.

Investigation is the process undertaken to respond to a complaint.

Investigator is a person appointed by the Board to investigate the complaint under the Formal Complaint Procedure. The Board may request assistance from an external agency in appointing an investigator.

Procedures

1. Informal Complaint Procedure

- 1.1. The **complainant** who believes he/she has been treated in an improper or offensive manner is expected to clearly communicate to the respondent in person or in writing, as soon as possible, their disapproval or unease and must request the behavior to stop.
- 1.2. The **complainant** should keep a record of all incidents and the manner in which they were handled to help with recollection of events at a later date.
- 1.3. If the **complainant** is unable to take direct action (per 1.1 above) or the offending behavior continues, the complainant may make an 'informal complaint' to the Board Chair. Refer to Appendix A: Complaint Form – Informal.
- 1.4. The Board Chair shall act to resolve the situation by:
 - meeting with the respondent;
 - meeting with the complainant;
 - meeting with the complainant and respondent to encourage both parties to resolve the complaint informally;
 - **if no resolution is reached**, advising the complainant of other options (e.g. Formal Complaint Procedure).
- 1.5. The Board Chair shall:
 - complete the Complaint Form - Informal (Appendix "A")
 - file a copy of the completed form; and,
 - forward the original to the Administrative Assistant – Board for recordkeeping purposes and forwarding to the board as a whole.
- 1.6. The Informal Complaint Procedure shall not exceed ten (10) working days from the date of receipt of the informal complaint to the Board Chair.

2. Formal Complaint Procedure

- 2.1. If the Informal Complaint Procedure does not resolve the issue, the **complainant** may initiate the Formal Complaint Procedure.
- 2.2. The Formal Complaint Procedure must be initiated within 90 days of the incident, although the Board has discretion to accept a complaint filed after a longer period.
- 2.3. The complainant shall:
 - complete the Complaint Form - Formal (Appendix "B");
 - provide copies of any related documentation;
 - review the completed form with the Board Chair;
 - request that the Board Chair sign the completed form;
 - keep a copy of the completed form for his/her records;
 - provide a copy of the completed form to the Board Chair; and,
 - forward the completed form (original) to the Administrative Assistant – Board for recordkeeping purposes and forwarding to the board as a whole.
- 2.4. Upon receipt of the Complaint Form - Formal, the Board Chair shall:
 - acknowledge receipts of the complaint within 10 working days (in the absence of the Board Chair, the Vice Chair or other uninvolved board member will respond);
 - jointly with another board member or one of the key leaders (who has not been involved in the matters that are the subject of the complaint), attempt to resolve the complaint through discussions with the parties involved; and/or,
 - if above discussion does not successfully resolve the issue, appoint an experienced

investigator to investigate the complaint (provided the investigator has not been involved in the matters that are the subject of the complaint).

3. Investigations

- 3.1. The investigator shall interview the complainant; accept any written statement and/or documentation the complainant wishes to provide; and document the interview.
- 3.2. The investigator shall provide copies of these documents to the respondent and invite the respondent to respond either in person or in writing (or both).
- 3.3. The investigator shall convey the response, if any, to the complainant.
- 3.4. The investigator shall endeavor to re-interview the complainant and respondent as necessary; interview other persons as appropriate; and gather all relevant material as required to complete the investigation.
- 3.5. As soon as possible, the investigator shall prepare a factual report about the complaint and present the report to the Board, with copies to the complainant, the respondent and the Administrative Assistant - Board.
- 3.6. Should the parties (complainant and/or respondent) wish to make additional comments on the report, they shall do so within five (5) working days.
- 3.7. Whenever possible, investigations should be finalized within thirty (30) working days after receiving a complaint. The Board may extend the timeline where circumstances warrant.
- 3.8. With the agreement of the respondent and the Board, the complainant may choose to discontinue the process at any time. (This option does not apply in situations wherein police agencies are involved and timelines must accommodate such involvement).
- 3.9. Upon conclusion of the investigation, documentation shall be given to the complainant and the respondent with copies retained on behalf of the school board by the Administrative Assistant - Board.

4. Disposition

- 4.1. Upon receipt of the investigator's findings, the Board, at its next scheduled board meeting, will consider the findings and determine whether they find the complaint substantiated in whole or in part and, if so, what, if any, remedy should be granted to the complainant. Where the complaint relates to one or more specified board members, those persons shall withdraw and take no part in the discussion and/or disposition of the investigation.
- 4.2. If the investigation confirms that improper conduct has in fact occurred, the Board shall initiate appropriate intervention.
- 4.3. Appropriate non-legal interventions may include, but are not limited to:
 - formal mediation;
 - warning letter;
 - formal apology;
 - other actions in keeping with the Board's Code of Conduct, Policy GP-8.
- 4.4. The Board Chair shall, within seven (7) working days of the Board's determination of the complaint, provide a written response to the complainant and the respondent confirming the decision of the Board in relation to the complaint, with reasons for its decision.
- 4.5. The response will include details of any arrangements for pursuing the matter with any relevant external body, and any legal redress, should the complainant not be satisfied with the response from the Board.

Appendix "A"

CONFIDENTIAL

Complaint Form – Informal

CONFIDENTIAL

Name(s) of parties involved: Complainant: _____

Respondent: _____

Date of incident: _____

Describe the nature of the complaint:

_____ Signature of Complainant	_____ Date
--	----------------------

Actions taken by the Board:

- person(s) interviewed (complainant, respondent, other)
- resolution reached
- other (documentation should outline dates, nature of discussion and further actions taken)

<hr/>	
Signature of Board Chair (or Vice Chair)	Date
Copies to: Admin Assistant - Board (original) Complainant (copy) Respondent (copy)	

