



## **ADVOCIS CHAPTER BOARDS AND COMMITTEE MEMBERS CONFLICT/DISPUTE (COMPLAINT) RESOLUTION**

### **If you are the complainant (the accuser) you have the right;**

- ♦ to file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal
- ♦ to have a person of your choice accompany you during the process
- ♦ to be informed about the progress of your complaint
- ♦ to be informed of the type of corrective actions that will result from the complaint
- ♦ to receive fair treatment

### **If you are the respondent (the accused) you have the right;**

- ♦ to be informed of the complaint
- ♦ to be given a written statement of the official allegations, and to respond to them
- ♦ to have a person of your choice accompany you during the process
- ♦ to be informed about the progress of the complaint
- ♦ to receive fair treatment

### **Informal Procedure**

The informal procedure does not involve an investigation, a report or an official decision.

Ideally, complaints should be addressed and resolved by the parties themselves, in keeping with the principle of mutual respect.

However, if a complainant is not comfortable engaging a respondent, he/she can enlist the assistance of his/her Chapter President to act as an intervener.

### **Formal Procedure**

Prior to filing a formal complaint, the complainant should inform the respondent of the complaint. The complainant may ask his/her Chapter President to communicate the complaint on their behalf.

If the situation cannot be resolved through discussion with the respondent, or such recourse is not available or appropriate, the complainant may choose to file a formal written complaint with the Chapter Leadership Council Regional Leader who will take

the matter to the Chapter Leadership Council. In the case that the respondent is an employee, the matter will be filed with the President & CEO of Advocis and subject to the Advocis Workplace Harassment & Discrimination Policy.

A written complaint can be made through e-mail or letter. The complainant should carefully record details of the complaint including relevant dates, times, nature and specifics, as well as the names of witnesses, if applicable.

### **Documentation**

The complainant and the respondent are advised to create and keep written notes as well as maintain copies of any relevant written documentation.

### **Confidentiality**

Confidentiality in the investigation of a complaint will be on a "need to know" basis. 100% confidentiality is not possible if a complaint is to be properly investigated. All parties involved in a complaint process will, to the extent possible, protect the confidentiality and privacy of others involved in the complaint, subject to the requirements of a fair investigation and resolution process. Any individual who becomes aware of an incident should not disclose the details of the incident to anyone who does not have the right to know. Gossiping about an incident seriously undermines the privacy of all parties involved and will not be tolerated.

### **Freedom from Reprisal or Retaliation**

Reprisal or retaliation, in any form against the person(s) involved in a complaint, or in an investigation of a complaint, or in the implementation of any corrective action, is in itself a violation of the Advocis Code of Conduct for Board and Committee Members. Such violation may result in corrective action.

### **Investigation**

Upon receipt of a formal complaint, the Chapter Leadership Council shall determine the seriousness of the complaint. All complaints, except those that are frivolous or vexatious, shall be referred to an investigator appointed by the Chapter Leadership Council. Frivolous and vexatious complaints will be dismissed.

The appointed investigator will;

- ♦ advise the complainant of the investigation
- ♦ advise the respondent in writing of the investigation and nature and specifics of the complaint

The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint.

The investigator will;

- ♦ secure any evidence
- ♦ advise all parties in the investigation that they may seek legal counsel (at their own expense)
- ♦ explore all allegations by interviewing the complainant, the respondent, and others who may have knowledge of the incident(s) or circumstances that led to the complaint

Once an investigation is complete, the investigator will prepare a written report of the investigation's findings, and forward the report to the Chapter Leadership Council within twenty (20) working days from the date of the last interview in the investigation.

Based on the written report, the Chapter Leadership Council will decide, at its next regularly scheduled meeting, whether there is;

- ♦ sufficient evidence to support a finding of violation of the Advocis Code of Conduct for the Chapter Boards and Committee Members
- ♦ insufficient evidence to support a finding of violation of the Advocis Code of Conduct for the Chapter Boards and Committee Members
- ♦ no violation of the Advocis Code of Conduct for Chapter Boards and Committee Members

And will advise both the complainant and respondent, in writing, of their decision.

### **Corrective or Disciplinary Action**

If a violation of the Advocis Code of Conduct for Chapter Boards and Committee Members is confirmed, several factors will be considered by the Chapter Leadership Council in determining any corrective action, including but not limited to;

- ♦ the nature of the incident
- ♦ the severity of the incident
- ♦ the prior service history of the individual

The Chapter Leadership Council will determine the corrective action based on the particular facts of each incident. Corrective actions include but are not limited to;

- ♦ an apology
- ♦ training or counseling
- ♦ referral to an external program
- ♦ a verbal or written reprimand
- ♦ removal from office
- ♦ legal action

## **Appeals**

The respondent, except in the case where he/she is an employee, may appeal a decision, by submission in writing, to the Chapter Leadership Council. The submission must specify the reason for the appeal and be submitted within one week of learning of the decision. If the Chapter Leadership Council determines that there is sufficient reason to re-investigate or to alter any corrective action, they will strive to make a decision within two weeks of receiving the appeal.

## **Proactive Measures**

When a violation of the Advocis Code of Conduct for Chapter Boards and Committee Members has been determined, necessary steps shall be taken to repair the effects of the violation on the complainant and to prevent any further recurrence of the violation within the Association.

## **Record Keeping**

All written or electronic documents related to a complaint will be kept on file, in a secured location, to be determined by the Chapter Leadership Council.

## **False Accusations**

Anyone who submits a complaint in good faith, even where the complaint cannot be proven, has not violated the Advocis Code of Conduct for Chapter Boards and Committee Members. However, if an investigation finds that the complainant falsely accused the respondent, the complainant will be subject to appropriate corrective action. Such violation of the Advocis Code of Conduct for Chapter Boards and Committee Members and the investigation results, as well as any related corrective action will be recorded and kept on file.

## **Evaluation**

Advocis will monitor this process and make adjustments when/where necessary. It will also be reviewed on an annual basis. If you have any concerns or recommendations for improvement, please bring them to the attention of the Chapter Leadership Council Regional Leader.