



# Federation for the Humanities and Social Sciences

## COMPLAINTS INVESTIGATION PROCEDURE

### Purpose

The Federation for the Humanities and Social Sciences (the “Federation”) is dedicated to ensuring that all participants in Federation activities enjoy an environment free from discrimination, harassment and bullying. All complaints alleging violations of the Code of Conduct will be taken seriously and will be investigated in a timely and appropriate manner. Substantiated violations of the Code of Conduct will be sanctioned as appropriate.

The purpose of this Procedure is to identify and outline the process by which a complaint may be filed in relation to allegations of a violation of the Code of Conduct, as well as to outline the investigation process that will follow the complaint.

### Definitions

“*Affiliate*”: Any organization that has successfully applied to be an Affiliate Member pursuant to the applicable Federation By-Law.

“*Complainant*”: Party filing a complaint alleging a violation of the Code of Conduct.

“*Congress*”: Congress of the Humanities and Social Sciences – the Federation’s largest annual event.

“*Disciplinary Committee*”: Committee which will be tasked with managing complaints and making determinations and/or recommendations regarding appropriate sanctions for events outside Congress. All members of the Disciplinary Committee will receive requisite training.

“*Federation Activity*”: Any in-person or virtual event (including Congress) or meeting (inclusive of membership meetings) hosted or organized by the Federation, as well as any activity, discussion or discourse related to the Federation’s events, meetings, mandate or work.

“*Member*”: Learned societies, universities and colleges, Directors, societies and any other organizations who have successfully applied for membership pursuant to the applicable Federation By-Law.

“*Non-Participant*”: Any person who is not a Member, Affiliate Member, or Participant in Federation Activity by whom as accompanied a Member, Affiliate Member, or Participant to a Federation Activity.

“*Ombudsperson*”: Individual appointed by the Federation from the partner institution with the requisite knowledge and training tasked with receiving and triaging complaints throughout Congress, mediating disputes between Members, Affiliate Members and/or Participants, and providing support as necessary to Complainants and Respondents through the complaints investigation process for any complaints



relating to or occurring in the course of Congress. The Congress Ombuds is an independent, neutral, confidential, and safe resource to voice your concerns and receive support, explore options and find appropriate resolutions.

*“Participant”*: Any registered attendee, speaker, sponsor, staff member or volunteer participating in Congress, or any other Federation Activity.

*“Respondent”*: Party who is alleged by the Complainant to have engaged in Sanctionable Conduct.

*“Sanctionable Conduct”*: Any conduct, as outlined in the Code of Conduct, for which the Federation may impose sanctions at its sole discretion.

*“Witness”*: A party who has information in relation to, or has witnessed, the incident(s) giving rise to the Complaint.

## **Filing a Complaint**

### **To whom should the Complaint be addressed?**

1. Where the Complaint relates to or occurs during Congress, it shall be directed to the Federation Ombudsperson. The Ombudsperson will be present online throughout Congress. The Ombuds can be reached by e-mail as follows: [congressh.ombuds@gmail.com](mailto:congressh.ombuds@gmail.com).

At any time, if you feel your personal safety has been compromised, you are in imminent danger, or if the complaint relates to ongoing abusive or violent behaviour, the Complainant is encouraged to contact your local authority or to dial 911 (applicable to North America).

### **How should the Complaint be filed**

Where possible, complaints should be made in writing. Complaints should include the following:

- Name and contact information of the Complainant;
- Name of the Respondent (where known) or any identifying features which are known;
- Nature of the conduct from which the Complaint arises including as much detail as possible regarding the incident(s); and
- Where applicable, names and contact information of any witnesses to the incident(s) giving rise to the Complaint.



## Triaging the Complaint: Informal Resolution

### Where the Complaint is Received by the Ombudsperson

1. The Ombudsperson will speak to the Complainant, as soon as practicable, to obtain any necessary details regarding the incident(s).
2. The Ombudsperson will determine whether there is sufficient information to initiate the Complaints Investigation Procedure and whether the Complaint raises an allegation which, if true, engages the Code of Conduct and alleged Sanctionable Conduct thereunder.
3. The Ombudsperson will determine, through consultation with both the Complainant and the Respondent, whether the matter may be dealt with by way of informal resolution. Informal resolution may include informal mediation of the dispute between the parties, reminding the Respondent of their obligations under the Code of Conduct, or a demand that alleged Sanctionable Conduct be ceased by the Respondent.
4. If the Ombudsperson determines that the Complaint cannot appropriately be addressed by way of informal resolution, or if the Complainant will not consent to an informal resolution, the Ombudsperson will refer the Complaint to the Disciplinary Committee for formal investigation.

### Where the Complaint is Received by the Disciplinary Committee

Where the Complaint is received by the Disciplinary Committee directly, the Committee will consider and attempt informal resolution, where appropriate, in the same manner as set out above.

## Formal Investigation

Where the Complaint cannot be resolved by way of informal resolution, the Disciplinary Committee will initiate a formal investigation. The Disciplinary Committee, in consultation with the President & CEO of the Federation, will determine whether the investigation shall be conducted by the Committee or by an external investigator. Factors in this determination will include:

- The nature, severity and complexity of the allegations;
- Any conflicts of interest or bias, real or reasonably perceived, that may exist;
- The level of expertise and training of the Committee members; and
- The need for expediency.

Where the Complaint does not engage the Code of Conduct or Sanctionable Conduct thereunder, or where sufficient information cannot be collected to initiate an investigation, an investigation will not be initiated.



## Interim Measures

The Disciplinary Committee, in consultation with the President & CEO, will have the discretion to determine whether, based on the nature of the allegations and/or the parties to the Complaint, interim measures are required to ensure that Members, Affiliate Members or Participants can continue to participate in the Federation Activity (or Activities) safely and comfortably. The necessity, nature and duration of Interim Measures will be determined on a case-by-case basis, and may include temporary suspension from Federation Activities or portions thereof.

## Investigation Process

The investigator(s) are required to conduct a fulsome, objective and fair investigation in as prompt a manner as is practicable. The investigation will include:

- Interviews with the Complainant and Respondent;
- Interviews with all available and relevant witnesses; and
- Collection of any other available and relevant evidence.

Upon completion of the investigation, the investigator(s) will consider the evidence, the credibility of the parties and the witnesses, and make a determination as to whether there are any substantiated allegations of Sanctionable Conduct and, if so, the findings of fact in relation to the details of that Sanctionable Conduct.

The investigator(s) will prepare a report which sets out a summary of the investigation as well as the conclusions drawn therefrom. The investigation report will form the basis upon which recommendations will be made regarding any sanctions. **The investigation report will be strictly confidential.**

## Procedural Fairness and Confidentiality

Both parties to the Complaint are entitled to fairness throughout the Investigation Process. Each party is entitled to be made aware of the allegation(s), the response(s) to those allegations, and be provided with an opportunity to provide their version of events with respect to each of the material facts.

So as to provide fairness to the Respondent, and to preserve the integrity of the investigation, no conclusions or statements will be made by the Federation or the investigator(s) regarding whether the allegations are substantiated until such time as the investigation has been completed.

At all times during the Investigation Process, the details of the Complaint, the allegations, the identities of any parties and witnesses, and the statements made by the parties and the witnesses shall remain confidential except as is necessary for a fulsome and fair investigation to be conducted.

Throughout the Investigation Process, which shall be completed as promptly as is practicable, the investigator(s) will provide reasonably regular updates to the Complainant and the Respondent as to the status of the investigation.



Upon the completion of the investigation report, the Complainant and Respondent will be entitled to a summary of the investigation report which sets out the conclusions of the investigation. Neither party is entitled to the identity, or specifics regarding their statements, of any witness or any other party. At all times, the Federation is required to comply with its obligations pursuant to the *Personal Information Protection and Electronic Documents Act*.

Where the Ombudsperson is engaged (i.e. in the context of Congress), both the Complainant and Respondent may consult with the Ombudsperson for support and information through the Investigation Process. Where there is no Ombudsperson engaged, any inquiries regarding the process can be directed to the Disciplinary Committee.

**Note: Non-parties to the Complaint are not entitled to any information regarding the Complaint, its investigation, or its outcome(s).**

### **Sanctions for Substantiated Allegations**

Upon completion of the investigation report, where allegations of Sanctionable Conduct have been substantiated, the Disciplinary Committee will review the severity of the conduct and determine, in consultation with the Executive Director, the appropriate sanction for the violation. The sanction can include any sanction set out in the Code of Conduct up to and including permanent expulsion from membership and/or Federation activities.

The Disciplinary Committee will determine the appropriate sanction as soon as practicable and will communicate its decision to both the Respondent and the Complainant.

The purpose of the sanction will be aimed at correcting the Sanctionable Conduct and ensuring a safe, respectful and collegial environment on a going forward basis. **The Federation has no authority to impose monetary sanctions of any kind.**

The outcome of all investigations, and the sanctions imposed, will be communicated to the Federation's Board of Directors. Where the recommended sanction will result in the expulsion or suspension of membership, the sanction must first be approved by the Board of Directors and implemented pursuant to the applicable By-Law.

### **Reparations for the Complainant**

The purpose of the Code of Conduct and the Complaints Investigation Procedure is to promptly, and appropriately, address complaints by the Federation's members and participants so as to ensure a safe, respectful and collegial environment. The Federation has no obligation to provide any further reparations to the Complainant in connection with the Complaint.

*Last updated: May 17, 2021*