

Policy 6035: Investigation

A. PURPOSE

To provide direction to College officials who commission or conduct investigations of situations or incidents at Selkirk College. This policy only applies to formal processes that may result in discipline, restrictions on movements or activities, or any other limitation of the Respondent's privileges, entitlements, rights or obligations. This policy does not apply to informal inquiries or fact-finding that are intended to determine whether to commence an investigation.

B. SCOPE / LIMITS

1. This policy does not apply to Investigations that are conducted in accordance with the processes established by Selkirk College under policies such as Policy 6010: Human Rights, Harassment and Discrimination and Policy 3400: Student Code of Conduct.
2. In situations where the complaint is deemed to have caused trauma to the Complainant or Respondent, a "trauma-informed" investigation may be required or more suitable. Only those individuals with specific training in this form of investigation and inquiry will conduct these investigations.
3. When no such process exists, and where the Human Resources department has determined that an investigation will occur, Human Resources personnel will select an investigator to conduct the investigation in accordance with the principles and confidentiality requirements set out in this policy. In addition, they should refer to the non-binding guidelines contained in the Guidelines for Responding to and Investigating Complaints. They may seek additional advice from the Vice President, Education office (for situations/incidents involving students and staff) or Human Resources (for situations/incidents involving staff).
4. The policy does not supersede regulations or procedures outlined in collective agreements or legislation.

C. PRINCIPLES

1. **Fairness:** Investigations must be conducted in accordance with the principles of procedural fairness. Respondents have a right to know the nature of the allegations against them, to have the opportunity to respond to those allegations, to have those allegations investigated in an unbiased manner, and to receive reasons for any decision that impacts their privileges, entitlements, rights or obligations.
2. **Timeliness:** Investigations must be concluded in a timely manner. In instances where legal action is threatened or taken, the matter must be immediately referred to the Office of the President and Risk Management.
3. **Confidentiality:** Investigations are confidential, and personal information must only be disclosed as set out in Section D of this policy.

D. CONFIDENTIALITY and PRIVACY

1. In order to protect the integrity, fairness, and effectiveness of investigations and to ensure compliance with the Freedom of Information and Protection of Privacy Act (FIPPA), all participants in an investigation must act in accordance with the requirements set out below.
2. Individuals, including the Complainant and Respondent, who have obtained personal information through their participation in an investigation must not disclose this information to anyone except their own personal advisors or representatives, or as required by law. However, this section does not prevent:
 - i. any participants in the investigation from disclosing information about themselves, or information they have obtained outside the investigation;
 - ii. Selkirk employees, contractors, or volunteers from disclosing investigation-related information as authorized under section 3, or
 - iii. Complainants and Respondents from disclosing the information they have received under sections 4 and 5.
3. Selkirk College will not disclose any personal information related to an investigation except to the extent such disclosure is:
 - i. expressly authorized by the affected individual;
 - ii. to a Selkirk employee, contractor, or volunteer, necessary for the performance of that individual's duties;
 - iii. to a Complainant, Respondent, witness or other participant in the investigation, necessary for the conduct of the investigation;
 - iv. to a Complainant or Respondent in accordance with sections 4 and 5;
 - v. authorized by the Executive Director of Human Resources for compelling health or safety reasons;
 - vi. authorized by the Executive Director of Human Resources to correct misleading or inaccurate information if necessary to protect the integrity of the investigation or Selkirk's investigatory process; or
 - vii. authorized or required under law or FIPPA.
4. Selkirk College will not disclose any aspect of the complaint or investigation outside of those directly involved in the investigation unless it is relevant to the investigation and will follow the FIPPA guidelines.
5. To maintain the integrity of the investigation process, Selkirk College must ensure that both Complainants and Respondents know the investigation findings and the evidence upon which these findings are based. The FIPPA may require Selkirk to withhold personal information that is irrelevant to the investigation findings, or that identifies third parties. If there are multiple Complainants or multiple Respondents, they will only receive the information that is relevant to them.
6. Under the FIPPA, Selkirk is only authorized to disclose disciplinary actions it has taken against the Respondent if the disclosure is authorized by the Executive Director of Human Resources for compelling health or safety reasons. For example, Selkirk will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities.

7. Section 2 does not prevent Complainants and Respondents from disclosing the information they received under sections 4 and 5. However, Complainants or Respondents who choose to disclose such information should keep in mind that the disclosure of such information may result in a legal claim being made against them by the other party or other individuals (including, for example, a defamation or breach of privacy claim) and may wish to seek advice before doing so.

E. DEFINITIONS

1. **Complainant:** is an individual who has alleged that they have been directly subjected to misconduct by a Respondent.
2. **Respondent:** is the person who is the subject of the investigation.
3. **Investigation:** is the process undertaken by Selkirk College to ascertain whether a Respondent has engaged in misconduct.
4. **Misconduct:** is any conduct that warrants discipline, restrictions on movements or activities, or any other limitation of the Respondent's privileges, entitlements, rights or obligations.
5. **Personal Information:** is information about an identifiable individual.
6. **False or Reckless Allegations:** alleged complaints of misconduct that are knowingly made with reckless disregard for the truth and are without merit.
7. **Trauma:** an event, series of events, or set of circumstances experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional or spiritual well-being¹.

F. OTHER RELEVANT POLICIES and RESOURCES

Policy 3400 Student Code of Conduct

Policy 6000 Employee Code of Conduct and Conflict of Interest

Policy 6010 Human Rights and Harassment

Selkirk College Faculty Association

BC Government and Service Employees' Union

Public and Private Workers of Canada, Local 26

Administrative Staff Employment and Benefit Program

References: [Freedom of Information and Protection of Privacy Act](#)

Responsibility, Recommendation and Approval Dates

Executive Responsibility: Vice President College Services/CFO

Administrative Responsibility: Executive Director, Human Resources

Recommended by Policy Review Committee: 2021-10-20

Recommended/Approved by Education Council: N/A

Approved by President: 2021-10-28

Linkage to Board Policy: E30, E40, EL10, and EL90

¹ [Trauma-Informed Interviewing in Workplace Investigations - Public Interest Investigations - Los Angeles - Legal Investigation and Training \(piila.com\)](#)