


SLC Complaint Procedure		
Parent Policy:	Elected Official Code of Conduct	
Related Documents:	--	
Approval Authority:	Students' Legislative Council	
Passed:	February 25, 2014	
Amended:	January 10, 2023	

1 Purpose

- (1) The purpose of this procedure is to:
- (a) provide a means for **Active Members** and other stakeholders to hold **Elected Officials** accountable to **Union Policy**;
 - (b) ensure that complaints against **Elected Officials** are handled:
 - (i) consistently and in a way that aligns with the principles of procedural fairness and natural justice; and
 - (ii) fairly, impartially, and with respect for all involved parties; and
 - (c) provide clarity and structure to the complaint and appeals processes.

2 Scope

- (1) This procedure applies to the handling of complaints of misconduct by one or more **Elected Official(s)**, in accordance with **Union Policy**.

3 Definitions

- (1) In this procedure:
- (a) “**Active Member**” is defined by the Union Bylaw as “a student at the University of Calgary who meets the qualifications for membership”;
 - (b) “**Elected Official**” is defined by the Union Bylaw as “anyone who currently holds an elected position of the Union or who is duly appointed to fill such a position. This includes current SLC members, the current Board of Governors and Senate Student-at-Large Representatives”;
 - (c) “**Review Board**” means the Students’ Union Review Board, the University of Calgary;
 - (d) “**SLC**” means the Students’ Legislative Council;
 - (e) “**SU**” means the Students’ Union, the University of Calgary;

- (f) “**Tribunal**” means the Students’ Tribunal, the University of Calgary; and
- (g) “**Union Policy**” is defined by the Union Bylaw as “any official statement of values, beliefs, principles, or process of the Union as outlined in the Constitution, Union Bylaw, Procedures, Resolutions, or Terms of Reference which are amendable in the proper form dictated by either the Constitution or the Union Bylaw.”

4 Complaints

- (1) Where appropriate and possible, concerns about misconduct of an **Elected Official** should first be dealt with informally, to allow the **Elected Official** a learning opportunity and a chance to correct their behaviour prior to any formal disciplinary action under this procedure.
- (2) Individuals may submit a formal complaint regarding the conduct of an **Elected Official** by submitting a complaint form to the **SU**:
 - (a) in-person to the main **SU** office; or
 - (b) by email.
- (3) The complaint form must include:
 - (a) the name of the complainant(s);
 - (b) the name of the intended respondent(s);
 - (c) the reason for the complaint, including reference to specific **Union Policy** where possible;
 - (d) an explanation of the complaint, including a statement of facts where possible;
 - (e) any available evidence of the basis for the complaint; and
 - (f) documentation of prior informal attempts to resolve the basis of the complaint, if available.
- (4) A complaint submitted in accordance with this procedure shall be reviewed and investigated by an Investigator, with support from the General Manager or designate, where appropriate.
- (5) The Investigator will be:
 - (a) the SLC Speaker, unless they have a conflict of interest; or
 - (b) the Deputy Speaker, unless they have a conflict of interest; or
 - (c) an SU Executive who does not have a conflict of interest.
- (6) The Investigator will:
 - (a) contact the complainant within two (2) business days to acknowledge the receipt of the complaint and provide an initial response regarding how complaints are addressed in accordance with this procedure;

- (b) conduct an initial review to determine whether the complaint is frivolous, vexatious, or unsubstantiated by sufficient evidence, at any time after which they may:
 - (i) investigate the complaint per section 5;
 - (ii) move to dismiss the complaint, per section 6; or
 - (iii) refer the complaint to **SLC** for a Hearing, per section 7.
- (7) Respondents to a complaint under this procedure maintain the rights protected by natural justice, including:
 - (a) the right to be presumed innocent;
 - (b) the right to prepare a full and fair defense;
 - (c) the right to know their accuser's identity;
 - (d) the right to know the full details of the accusation;
 - (e) the right to a complete and proper investigation under this procedure; and,
 - (f) the right to a proportionate penalty.

5 Investigation

- (1) The Investigator may conduct an investigation to:
 - (a) establish:
 - (i) a sufficient understanding of the precise nature of the complaint;
 - (ii) the circumstances and context of the basis of the complaint;
 - (iii) the consistency of the evidence;
 - (iv) the credibility of the parties involved; and
 - (b) seek additional evidence of the basis of the complaint, such as by:
 - (i) conducting interviews with the complainant, the respondent, or any verifiable witnesses; or
 - (ii) conducting supplementary research; or
 - (c) determine an absence of evidence where it should logically exist; and
 - (d) determine relevant **Union Policy**;
- (2) When investigating a complaint, the Investigator:
 - (a) must provide notice to the respondent, including:

- (i) a summary of the complaint, including:
 - (A) the basis of the complaint, and
 - (B) any evidence and relevant information, including **Union Policy** being considered by the investigation,
 - (ii) a request for a response to the complaint, including any statements of facts, evidence, or other information the respondent feels is relevant to the basis of the complaint or support of their position; and
 - (iii) a clear deadline of at least five (5) business days for the respondent to provide their response to the complaint, subject to reasonable extension at the discretion of the Investigator; and
- (b) must provide an update in writing on the status of the investigation to all relevant parties, including the complainant and the respondent, within ten (10) business days of initiating the investigation; and
 - (c) may exclude frivolous, vexatious, or irrelevant information from their investigation report.
- (3) If an investigation into a complaint finds sufficient evidence to suggest that the respondent may be subject to discipline on the grounds outlined in **Union Policy**:
- (a) the Investigator must notify the appropriate authority to call a special **SLC** meeting for the purposes of a Hearing; and
 - (b) the Investigator must provide a confidential investigation report to **SLC** with the findings of the investigation at least two (2) business days prior to the date of the Hearing, including:
 - (i) the original complaint;
 - (ii) any evidence or statements of facts found in the course of the investigation, except any that has been excluded in accordance with section 5(2)(b); and
 - (iii) an analysis of the evidence and facts, in the context of applicable **Union Policy**.
- (4) Despite subsection (3), the Investigator:
- (a) may refer the complaint to the **Review Board** instead of to **SLC** if:
 - (i) **SLC** will be unable to form quorum, such as due to conflicts of interest; or
 - (ii) the basis of the complaint requires interpretation, or assessment of the validity, of **Union Policy**; and
 - (b) if referring a complaint to the **Review Board**, must provide a confidential investigation report to the **Review Board** in accordance with the requirements of subsection (3)(b), whereafter the **Review Board**, in accordance with confidentiality and applicable **Union**

Policy, may issue a recommendation to **SLC** for a decision on any disciplinary action at a regular **SLC** meeting.

- (5) An **Elected Official** who distributes or uses a confidential investigation report prepared under this procedure for any purpose other than for the purposes of handling the complaint in accordance with this procedure may be subject to discipline in accordance with this procedure.

6 Dismissal

- (1) The Investigator may move to dismiss a complaint at any time, if the Investigator believes the complaint to be:
 - (a) frivolous;
 - (b) vexatious; or,
 - (c) unsubstantiated by sufficient evidence to warrant a Hearing.
- (2) The Investigator may move to dismiss a complaint by providing written notice to the complainant of the intention to dismiss the complaint.
- (3) If the complainant cannot demonstrate good cause to consider the complaint valid and to warrant additional investigation or review within five (5) business days after the notice of intent to dismiss is issued, the complaint may be dismissed.
- (4) After a complaint is dismissed, the Investigator must:
 - (a) provide the complainant with a clear and reasonable explanation for dismissing the complaint;
 - (b) where appropriate, make referrals or provide alternate resources to assist the complainant in resolving the issue at hand, including the ability to initiate a petition to direct **SLC** to conduct a vote on disciplinary action, in accordance with the *Post-Secondary Learning Act* and **Union Policy**; and
 - (c) provide the complainant with information about how to appeal the dismissal of their complaint; and
 - (d) without disclosing any detail about the complaint, including the identity of the parties involved, report to **SLC** at the next regular meeting that a complaint was received and dismissed in accordance with this procedure.

7 Hearings

- (1) The special **SLC** meeting called for the purposes of a Hearing per this procedure:
 - (a) must be held within ten (10) business days of the date the Investigator notifies the appropriate authority to call the meeting;

- (b) must not include any other business than the proceedings in accordance with this procedure on the agenda; and
- (c) shall be chaired by the Investigator, who may not:
 - (i) participate in any debate or discussion during the Hearing, other than on matters of meeting or parliamentary procedure or those matters related to their role as the chair of the meeting; or
 - (ii) cast a vote on any motion pertaining to the proceedings under this procedure.
- (2) The Hearing must be the only business tended to at a special **SLC** meeting called in accordance with this procedure.
- (3) The parties to a complaint, including the complainant, the respondent, and any applicable witnesses:
 - (a) are not permitted to provide additional evidence that was not provided to the Investigator during the investigation of the complaint; and
 - (b) must be provided with notice of the Hearing at least three (3) business days prior to the special **SLC** meeting, including:
 - (i) the date, time, and location of the special **SLC** meeting at which the Hearing will be held; and
 - (ii) a summary of the standard proceedings of a Hearing per this procedure.
- (4) The Hearing shall comprise three sessions:
 - (a) a closed session, during which:
 - (i) only **SLC**, including the chair and recording officer, and the parties to the complaint, including the Investigator, may be present; and
 - (ii) the complainant, the respondent, and any relevant witnesses identified by the investigation may verbally represent themselves and their positions to **SLC**, such that, subject to any extensions of time made reasonably available by the chair;
 - (A) the complainant and the respondent each have an opportunity to state their position for ten (10) minutes, or less,
 - (B) the complainant and the respondent each have an opportunity of five (5) minutes or less to rebut,
 - (C) **SLC** may ask questions of both parties for a period of up to thirty (30) minutes, and

- (D) the complainant and the respondent each are provided with up to two (2) minutes to provide closing statements, and
- (b) an in-camera session, during which:
 - (i) only **SLC**, including the chair and the recording officer, may be present; and
 - (ii) **SLC** shall deliberate upon the evidence presented to determine:
 - (A) whether the respondent has violated **Union Policy**, and
 - (B) what, if any, disciplinary action will be appropriate as a result of the complaint;
- (c) an open session, during which:
 - (i) **SLC** shall take into account:
 - (A) the respondent's past record,
 - (B) probable intent,
 - (C) the frequency and repetition of an offense or misconduct,
 - (D) the impact of the offense or misconduct on the **SU**,
 - (E) precedent from prior decisions made under this procedure, where available, and
 - (F) presence of an admission and apology, and
 - (ii) **SLC** may vote by two-thirds majority to:
 - (A) dismiss the complaint and end the proceedings under this procedure;
 - (B) enact one or more disciplinary actions against the respondent, including as may be appropriate for the situation:
 - (I) a formal written Warning, which does not include any specific public detail regarding the nature of the complaint;
 - (II) a formal written Reprimand, which specifies the nature of the complaint and the reason for the disciplinary action;
 - (III) the removal or suspension of the respondent's compensation or benefits received as an **Elected Official**;
 - (IV) the temporary or permanent revocation of the respondent's powers and privileges as an **Elected Official**; or

- (V) to recommend the impeachment of the respondent from their position as an **Elected Official** to the next regular **SLC** meeting, in accordance with **Union Policy**.
- (5) If **SLC** recommends the impeachment of the respondent in accordance with this procedure:
 - (a) the complainant and the respondent must not participate in the debate or vote on the motion to impeach; and
 - (b) if **SLC** rejects the motion to impeach, **SLC** may vote by two-thirds majority to enact an alternate disciplinary action as outlined in section 7(4)(c)(ii)(B).
 - (6) The Investigator shall notify the complainant and the respondent of the outcome of the Hearing, including any disciplinary actions taken, within one (1) business day following the adjournment of the special **SLC** meeting where the Hearing was held.
 - (7) Disciplinary actions decided upon by **SLC** shall come into effect:
 - (a) after the deadline for appeals has passed; or
 - (b) upon the conclusion of any appellate processes, subject to the alteration or overturn of the disciplinary action by those appellate processes.

8 Procedural Compliance with Laws and Policies

- (1) Nothing in this procedure prevents any person or organization, including the **SU** and the University of Calgary, from proceeding with criminal, administrative, or civil actions, independent of any action under this procedure.
- (2) Despite anything in this procedure, if a complaint pertains to the Workplace Harassment, Sexual Harassment, and Sexual Violence Prevention Policy, or the Workplace Violence Prevention Policy, or both, the complaint will be addressed or investigated in accordance with those policies.
- (3) The outcome of any investigation under the Workplace Harassment, Sexual Harassment, and Sexual Violence Prevention Policy, or the Workplace Violence Prevention Policy, or both, may, with the consent of the complainant and in compliance with applicable law and policy, be reported to **SLC** for a disciplinary decision in accordance with this procedure.

9 Appeals

- (1) A party to a complaint may appeal a disciplinary decision made by **SLC** under this procedure to the Review Board within ten (10) business days of the decision.
- (2) Despite subsection (1), if the basis of the complaint pertains to the Workplace Harassment, Sexual Harassment, and Sexual Violence Prevention Policy, or the Workplace Violence Prevention Policy, or both, a disciplinary decision made by **SLC** on the matter may not be appealed to the Review Board or Tribunal.

10 Review

- (1) The Policy Development and Review Committee is responsible for reviewing this procedure at least once every three years.

History:

- February 25, 2014 (SLC Resolution 71.58): Approved and enacted.
- November 4, 2014 (SLC Resolution 72.31): Amended.
- June 21, 2016 (SLC Resolution 74.06): Amended.
- January 26, 2017 (Policy Development and Review Committee): Non-substantively amended.
- June 13, 2017 (SLC Resolution 75.05): Amended.
- January 15, 2019 (SLC Resolution 76.33): Amended.
- January 10, 2023 (SLC Resolution 80.38): Amended.