



Addressing Employee Concerns or Complaints

Background

The purpose of these guidelines is to provide a detailed process for addressing employee concerns or complaints.

Guidelines

1. This process provides a mechanism for an employee (complainant) to formally seek resolution to a matter related to their employment, or a situation relating to their relationship(s) with another employee.
2. KTCEA encourages resolution of matters by way of open communication between employees and supervisors.
3. KTCEA encourages dialogue between an employee and the individual with whom the employee has a concern (the respondent), and such dialogue is encouraged in advance of a formal complaint being filed. Where this is not possible, or is not successful, or if the matter relates to a serious breach of KTCEA policy, Administrative Procedure or the law, a formal complaint may be filed. The process is intended to follow normal lines of communication within KTCEA.
4. In the event an employee of KTCEA is contacted regarding a complaint, he/she shall notify their supervisor upon receipt of such complaint.
5. Complaints should be submitted in writing as soon as possible, preferably within two (2) weeks of the incident giving rise to the concern. This is important given that detailed recollection of events may diminish over time. Situations that pose an imminent danger to the complainant or others must be reported immediately.
6. It is inherent in the process that complaints be filed in good faith. An employee who makes an allegation they know to be untrue will be subject to disciplinary action, up to and including termination of employment. It is also important that complaints not be frivolous.
7. KTCEA will endeavor at all times to be fair, responsive and transparent in this process, while maintaining the appropriate levels of confidentiality.
8. Matters not subject to this process include:
 - Terms and conditions of employment as provided in the employee's offer letter or contract.
 - Compensation and benefits, unless they relate to an administrative error.
 - Allegations of Harassment and Violence (these are addressed under KTCEA's Respectful Work and Learning Environment Guidelines).
 - Matters related to health and safety (these matters should be addressed directly with supervisors and Health and Safety).

These guidelines apply to all KTCEA employees. If clarification is required, employees are requested to speak to their supervisor.

#	Procedure	Roles & Responsibilities
1.	<p>Process</p> <p>If an issue cannot be resolved by way of discussion between the employee and the individual with whom they have a concern, the employee may submit a written complaint.</p> <p>The request should provide details of the issue/incident/concern; the location, date and time the incident occurred; the names of any witness(es); background on what efforts have been made to resolve the matter prior to filing the complaint and, if the complaint is substantiated, how the employee proposes the matter be addressed.</p> <p>The employee may submit a written summary of the complaint or complete an Employee Report of an Issue, Incident or Complaint Form.</p>	Employees
2.	<p>Notwithstanding the timelines detailed below (which are provided for guidance but are not mandatory), KTCEA will move the process forward as expeditiously as possible, keeping in mind the need to effectively investigate the matter and consider appropriate responses.</p>	Supervisors/ Associate Superintendents/ Superintendent
3.	<p>Review (see details of each step below)</p> <p>There are up to three (3) levels of review for a written complaint:</p> <ol style="list-style-type: none"> a. Step One (typically addressed by the individual to whom the employee filing the request reports). b. Step Two (typically addressed by the Associate Superintendent in conjunction with the Deputy Superintendent). c. Step Three (addressed by the Superintendent). <p>Depending on the level to which the complaint is filed, there may be fewer than three (3) levels of review.</p> <p>If the respondent (the individual with whom the employee has the concern) is one of the levels of review, the complaint may be referred to the next level.</p> <p>Step One</p> <p>A step one complaint is typically submitted to the complainant's supervisor unless there is a compelling reason for it to be filed at another level.</p> <p>Within two (2) working days of receipt of the request for review, the supervisor receiving the complaint must provide the complainant with a written acknowledgement that the request has been received. The supervisor will provide a copy of the review request to Human Resources, their Associate Superintendent, and to the Deputy Superintendent.</p>	Supervisors/ Associate Superintendents/ Superintendent

<p>A written decision will be provided to the employee within five (5) working days of the above referred acknowledgement</p> <p>If an investigation is required, such investigation will commence within five (5) working days of the above referred acknowledgement. The complainant will be notified that an investigation has commenced and that a decision will be made once the investigation has been completed. Human Resources will investigate the concern as appropriate. This process may include interviewing the complainant, the respondent, witnesses, and others as appropriate. Every effort will be made to complete the investigation as soon as possible, ideally within ten (10) working days of its commencement. In some situations, KTCEA may assign the investigation to an external investigator.</p> <p>The complainant, the respondent and those interviewed during the investigation will be advised that under no circumstances are they to discuss the complaint with any individual other than those conducting the investigation. Employees who do not comply with this requirement are subject to disciplinary action, up to and including termination of employment.</p> <p>If, following the investigation, the supervisor and Human Resources recommend the complaint be upheld, they will advise the Deputy Superintendent how they propose the matter be addressed, and the implications of the recommendation. Even if the complainant's concern is not substantiated, there may be actions appropriate in the circumstances, and those will be documented by the Associate Superintendent and Human Resources, in consultation with the Deputy Superintendent.</p> <p>Where the ability to implement any recommended action falls within the authority of the supervisor, such action(s) should take place as soon as possible, subject to prior approval of the Superintendent and/or Deputy Superintendent, as appropriate. For privacy or other reasons, it may not be appropriate to share full details of the resolution with the complainant</p> <p>Where the ability to implement the recommended solution falls outside the authority of the individual responding to the complaint, the recommendation must be escalated to the next level of supervision or leadership for review and approval. This escalation will continue until it reaches the level of supervision or leadership that has the authority to address the matter. In the event of escalation, the complainant shall be notified only that the recommendations stemming from the complaint are under review. Such notification must be in writing.</p> <p>The complainant will be notified of KTCEA's decision once the investigation has been completed and recommendations approved.</p> <p>Where additional time is required to investigate a concern, the supervisor must apply to the Deputy Superintendent or</p>	
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<p>Superintendent for an extension. Any extension granted must be communicated to the employee, in writing.</p> <p>Step Two</p> <p>If an employee is not satisfied with KTCEA’s decision at Step One, they may resubmit the concern to the Associate Superintendent within ten (10) days of receipt of the response.</p> <p>The employee’s response should document reasons for their disagreement with the decision and any new supporting information not previously provided. Upon receipt of such notice from the employee, the Associate Superintendent will provide a copy of the correspondence to Human Resources and to the Deputy Superintendent.</p> <p>At step two, KTCEA will follow the same process and timelines outlined in step one.</p> <p>Step Three</p> <p>The process outlined in step two may be repeated to the Superintendent Level. Step three is the final step in the process and the Superintendent’s decision is final.</p> <p>Extensions</p> <p>The timelines outlined in this process are intended to ensure a process that is timely, but thorough. Participants in the process are strongly encouraged to adhere to these timelines to protect the integrity of the process.</p> <p>In consultation with Human Resources, extensions of up to ten (10) working days may be granted by the Deputy Superintendent or the Superintendent. The Superintendent or the Deputy Superintendent has the authority to extend the timelines as appropriate to support the proper investigation of the complaint. Any extensions granted shall be communicated to the employee, in writing.</p> <p>At steps two and three of the process an employee may make a written request for an additional ten (10) days while they gather additional required information. Such approvals will not unreasonably be withheld. A response to an employee’s request for extension shall be provided to the employee in writing.</p> <p>Responses</p> <p>If the employee does not provide a written response to KTCEA’s decision within the specified time period, they will be considered to have accepted KTCEA’s decision and the matter will be closed.</p> <p>If KTCEA does not provide a written response to an employee within the specified time frame, and an extension has not been granted, the employee may advance the complaint in writing to the next level.</p>	
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	<p>Withdrawing a Complaint</p> <p>An employee may withdraw a complaint at any time by providing written notification to their Supervisor.</p> <p>No Retaliation</p> <p>There will be no negative actions taken against an employee who files a complaint in good faith, or against anyone who participates in the investigation of a complaint. Individuals who take such actions will be subject to disciplinary action, up to and including termination of employment.</p> <p>Document Retention</p> <p>Records relating to a complaint and related investigations shall be maintained by Human Resources. In the event a complaint is substantiated, documentation of actions stemming from the complaint may be included in the respondent's file.</p>	
4.	Ensuring compliance with the provisions of these guidelines.	Supervisors/ Associate Superintendents/ Superintendent
5.	Supporting employees and supervisors in the interpretation of these guidelines.	Associate Superintendents/ Superintendent
6.	Supporting employees and supervisors in the interpretation of these guidelines.	Human Resources

References:

- KTCEA Policy 3 Respectful, Caring and Safe Schools and Workplaces
- KTCEA Policy 12 Human Resources

Procedure Amendments and Updates

The responsibility for updating and amending this procedure rests with the Associate Superintendent Corporate Services in consultation with other KTCEA leadership as appropriate. The next scheduled update of this Administrative Procedure is April 1, annually.