

# Code of Conduct and Ethics Violation Reporting Procedure

## 1. Introduction

The College of Acupuncturists of Alberta's (the College) *Code of Conduct and Ethics Policy* (the Code) provides guidance and clarity on the conduct and behaviors expected of all members and employees. Every Council member, committee member, and employee has a duty to adhere to the Code and should report suspected violations of the Code. Anyone who truthfully and in good faith reports a potential breach of the Code shall be protected from reprisal for such reporting.

The *Public Interest Disclosure (Whistleblower Protection) Act* (the Act) establishes criteria and processes for reporting and for investigating significant and serious matters, referred to as wrongdoings, related to ministries, government departments, public agencies, and prescribed service providers. While the College is not subject to this Act, the College's Code deals with these items and has aligned its reporting and investigation activities to follow the intent of these best practices.

## 2. Purpose

The purpose of this procedure is to describe the actions required, for a Council member, committee member, or employee to report a suspected violation of the Code and identify who will oversee the investigation.

Suspected violations of the Code related to discrimination, harassment, or workplace violence are addressed in the *Respectful Workplace Violation Response Procedure* and the *Workplace Violence Response Procedure*.

## 3. Definitions

**Employee:** means a person engaged by the College to perform a service in accordance with an employment agreement.

**Member:** means an individual appointed to the College, including members of the Council, or regulatory committees.

**Reprisal:** means any action or threat of action that negatively impacts a member's or employee's status at the College up to and including the removal of a member or termination of an employee.

**Respondent:** means a person against whom a complaint has been made.

## 4. Procedure

- 4.1 Members and employees should report all suspected violations of the Code and shall be protected from reprisal for any reporting of a suspected violation that was made in good faith.

- 4.2 Members or employees who believe that a violation of the Code has occurred may consult with the Chief Executive Officer, or the Council Chair to determine if the violation falls within the scope of this procedure.

If the suspected violation relates to disrespectful behavior, discrimination, harassment, or workplace violence, the member or employee should refer to the College's *Respectful Workplace Violation Response Procedure* for guidance.

- 4.3 A member or employee who believes that a violation of the Code has occurred, or will occur in the future, may submit a report to:

- 4.3.1 the Council chair (for members);
- 4.3.2 the Complaints Director (for regulated members);
- 4.3.3 the Chief Executive Officer (for employees); or
- 4.3.4 the external service provider hotline, when established, where anonymous reports can be submitted (for both members and employees).

The identity of the member or employee will be kept in confidence and only disclosed where necessary to conduct the investigation or as required by law.

While reports may be submitted anonymously to the College, in certain instances the anonymity of a report may limit the College's ability to conduct a thorough investigation.

- 4.4 A report should include the following:

- 4.4.1 a description of the suspected violation;
- 4.4.2 the name of the individual(s) alleged to have committed the suspected violation, or about to commit the suspected violation;
- 4.4.3 the date of the suspected violation (if applicable); and
- 4.4.4 any other pertinent information.

The report should be submitted within one (1) year of the improper conduct. In rare and extenuating circumstances, the College may investigate conduct alleged to have occurred outside of this timeframe.

- 4.5 A report determined to be vexatious or in bad faith will not be investigated and the complainant may be subject to discipline.

- 4.6 Unless submitted anonymously, any suspected violation report will be managed as follows:

- 4.6.1 the member or employee will receive an acknowledgement of the report;
- 4.6.2 the member or employee will be informed of the investigation process within ten (10) working days of the submission of the report; and
- 4.6.3 the respondent and member or employee will be informed of the decision, if appropriate, within ten (10) working days of the completion of the investigation.

- 4.7 Anonymous violation reports will be managed according to the same timeline when possible.
- 4.8 If the investigation reveals additional violations that are not the subject of the original complaint, a separate investigation on these violations may be commenced.
- 4.9 During the investigation, all parties involved in the investigation will preserve the confidentiality of personal information, including the identity of the member or employee and the respondent, in accordance with the *Freedom of Information and Protection of Privacy Act* and any other legislation.
- 4.10 The Chief Executive Officer will oversee an investigation that relates to employees and the Complaints Director or designate will oversee the investigation. The recommendations of the investigation will be submitted to the Chief Executive Officer for decision.
- 4.11 The Governance and Nominating Committee will oversee the investigation where:
- 4.11.1 the investigation relates to Council or committee members or the Chief Executive Officer; or
  - 4.11.2 in any other circumstance where a fair and impartial investigation of an employee is impracticable.
- The Governance and Nominating Committee will provide recommendations to the Council for decision.
- 4.12 A member who believes they have suffered a reprisal for seeking advice, reporting a suspected violation, cooperating with an investigation, or refusing to commit a breach of the Code may submit a report of reprisal under this procedure to the Council Chair.
- An employee or former employee may submit a report of reprisal to the Chief Executive Officer.
- Any reprisal against good faith reports of suspected violations of the Code is considered a violation of the Code, and the member or employee will be subject to disciplinary action up to and including removal of the member or termination of the employee.
- 4.13 If an investigation reveals that a member or employee has not complied with any provisions of the Code, the member or employee will be subject to disciplinary action up to and including removal of the member or termination of the employee.

## 5. Authority

This procedure is established under the authority of Section 6 of the Act and Article 4.1 of the College bylaws.

## 6. Scope

This policy applies to all members and employees.

## 7. Related Policies and Procedures

- G.1.1 Code of Conduct and Ethics Policy
- G.1.1.1 Conflict of Interest Declaration Procedure
- G.1.1.2 Code of Conduct and Ethics Declaration Procedure
- Respectful Workplace Policy (TBD)
- Respectful Workplace Violation Response Procedure (TBD)
- Workplace Violence Response Procedure (TBD)

## 8. Version History

Date	Notes
August 13, 2022	New policy