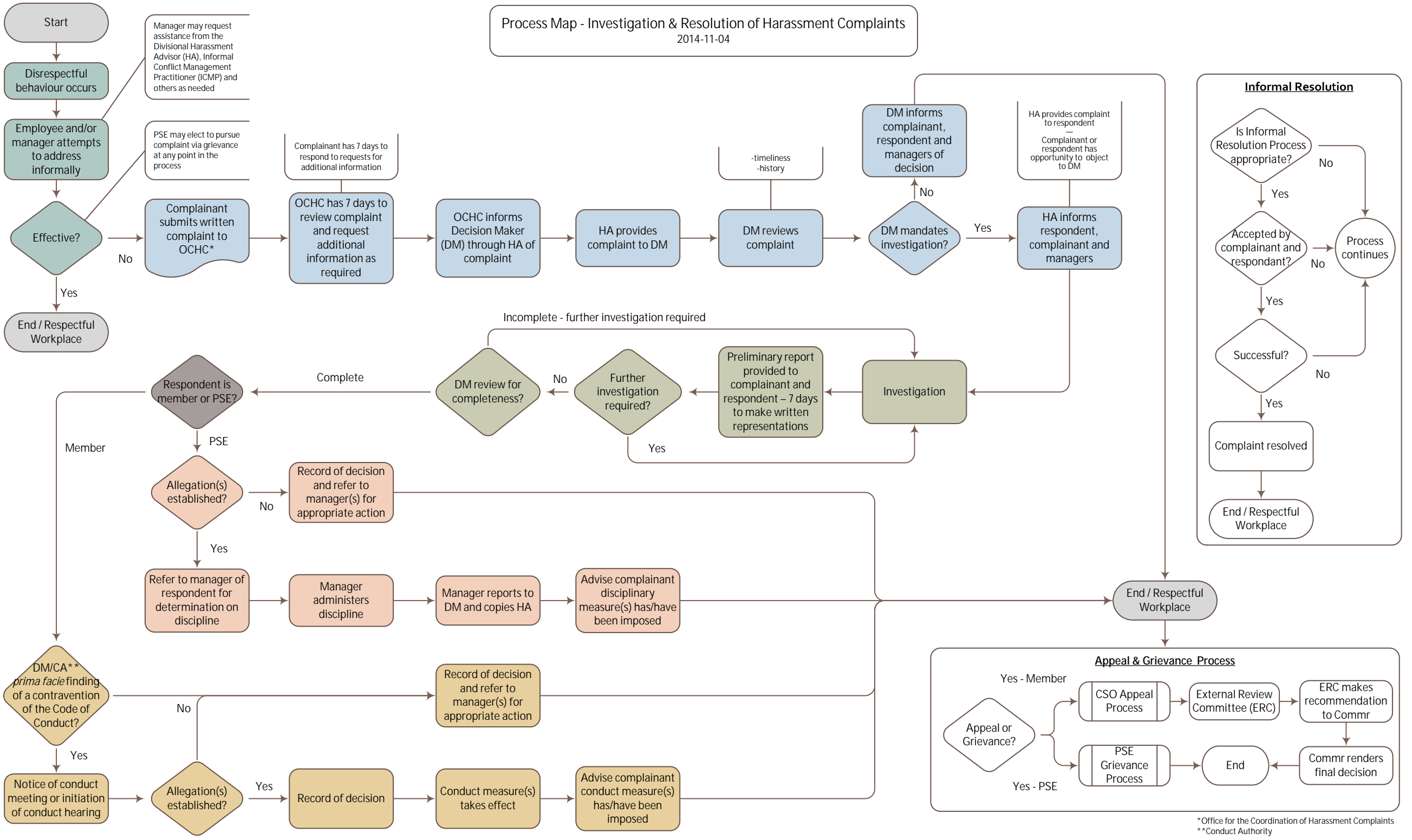


Process Map - Investigation & Resolution of Harassment Complaints
2014-11-04



*Office for the Coordination of Harassment Complaints
**Conduct Authority

Process Guide – Investigation & Resolution of Harassment Complaints

Use in Consultation with the *RCMP Act, Regulations, Commissioner’s Standing Orders and Policies (2014-11-10)*

Stage 1.0 Complainant submits written complaint to Office for the Coordination of Harassment Complaints (OCHC)

#	Task	Task Owner	Action / Narrative	Links / References
1.1	Complaint by Employee	All RCMP employees (members, public service employees, TCEs, term PSEs, casual PSEs)	Any employee may submit a complaint in writing, preferably using form 3919, within one year of the last incident of harassment alleged in the complaint, unless exceptional circumstances prevent the complainant from doing so. (See Stage 1.1.1 for information to be included in the complaint)	Harassment Investigation and Resolution Policy
1.2	Complaint by Non-RCMP personnel	Non-RCMP personnel (including but not limited to students, contractors, municipal employees, and custodial services personnel, employees of other departments or persons working or attending courses on the premises of the RCMP)	The written complaint process as defined in the Investigation and Resolution of Harassment Complaints policy applies to RCMP employees only. While other persons working on the premises of the RCMP cannot access the written complaint process supervisors and managers are nevertheless expected to respect the spirit and intent of this policy to ensure that all harassment concerns raised by non-RCMP personnel or in respect of non-RCMP personnel are addressed. In other words, even in the absence of a written complaint process, there is an expectation that a concern relating to harassment will be addressed and if it appears to be a contravention of the Code of Conduct, investigated under Part IV where appropriate.	

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Stage 1.0 Complainant submits written complaint to Office for the Coordination of Harassment Complaints (OCHC)

#	Task	Task Owner	Action / Narrative	Links / References
1.3	Complaint received through Representative	Representative	<p>In a situation where an employee who has had inappropriate or potentially harassing behaviors directed at them is unable for medical reasons to submit a complaint, but has advised a third party of sufficient details that would enable the third party to complete and submit a complaint, and has identified the third party as their representative, the representative may submit the initial complaint. However, the employee who was the intended subject of the behavior must provide the necessary details following the initial complaint in order for the investigation to proceed.</p> <p>The representative may prepare a complaint in the manner set out in the policy. See Stage 1.1.1.</p> <p>The representative may only submit the complaint to the OCHC if the employee at whom the alleged behavior was directed provides written authorization for the representative to act on their behalf to the OCHC.</p>	

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Stage 1.1.1 Complaint by Employee or Representative

#	Task	Task Owner	Action / Narrative	Links / References
1.1.1.1	Submit complaint to OCHC	Complainant or Representative	<p>A complaint should be as precise and concise as possible and must include:</p> <ol style="list-style-type: none"> 1) the nature of the allegations; 2) the name of the respondent; 3) the relationship between the respondent and the complainant (e.g., supervisor, colleague, etc.); 4) the dates, times and locations of incidents; 5) a description of any incidents alleged to be harassing in nature; 6) any efforts undertaken by the complainant to attempt to resolve the situation; 7) any potential witnesses; and 8) if the last incident identified in the complaint occurred more than one year before the submission of the complaint, an explanation as to the timing of the submission of the complaint. 	
1.1.1.2	Multiple Respondents	Complainant or Representative	<p>If a complaint identifies more than one respondent, the complainant must use a separate form 3919 in respect of each respondent, or otherwise submit a separate written complaint in respect of each respondent.</p>	

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Stage 2.0 OCHC has seven (7) days to review complaint and request additional information as required

#	Task	Task Owner	Action / Narrative	Links / References
2.1	Assign case	Director OCHC	Upon receipt of a complaint the Director OCHC will assign the case to a Harassment Reviewer (HR)	
2.2	Open ACMT case file	Harassment Reviewer	The HR will open a case file in ACMT upon receipt of the complaint in accordance with the ACMT User Manual.	
2.3	Acknowledge Receipt of Complaint	Harassment Reviewer	The HR will acknowledge receipt of the complaint to the complainant within 7 days of OCHC receiving the complaint.	
2.4	Review complaint	Harassment Reviewer	The HR will review the complaint to ensure the required information has been included in the complaint. If further information is required proceed to Stage 2.4.1	
2.5	Analysis of case	Harassment Reviewer	The HR shall complete an analysis of the complaint, including a review of previous cases the complainant and/or respondent may have been involved in the past. The HR shall, if necessary, provide recommendations to the decision-maker based on this analysis.	
2.6	Advise OIC Employment Relations	Harassment Reviewer	Notify the OIC Employment Relations, National Headquarters, of all harassment investigations by submitting a briefing note when: 1) a member has been charged or is being concurrently investigated for a criminal or statutory offence or serious incident (as defined in s. 45.79 of the Act); 2) the incident may attract media attention; 3) the incident may raise questions in Parliament; or 4) the incident may raise issues in respect of the integrity of the Force at a multi-divisional/national level.	
2.7	Review BN	OIC ER	The OIC Employment Relations will review the briefing note and advise the Director as and when deemed necessary.	
2.8	Update case file	Harassment Reviewer	The HR shall update the ACMT case file.	

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Stage 2.4.1 Additional Information Required

#	Task	Task Owner	Action / Narrative	Links / References
2.4.1.1	Obtain additional information	Harassment Reviewer	The HR shall contact the complainant to obtain any such information which may be deficient. This request may be in writing through an email, internal mail, in person or by telephone.	
2.4.1.2	Provide additional information	Complainant	The complainant has seven days from the date the HR made the request to provide the additional information.	

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Stage 3.0 OCHC informs decision maker through the Harassment Advisor of complaint

#	Task	Task Owner	Action / Narrative	Links / References
3.1	Forward complaint to Harassment Advisor	Harassment Reviewer	The HR shall forward the complaint to the Harassment Advisor(HA) in the division for which the respondent is located utilizing ACMT.	
3.2	Review for support or non-support for IRP	Harassment Advisor	The HA reviews the case file which includes the complaint, submissions and analysis by the HR to determine their support or non-support for informal resolution processes and/or any further recommendations made by the HR.	
3.4	Complete A-5	Harassment Advisor	The HA shall complete an A-5, providing a brief background of the case, their support or non-support and rationale regarding IRP and/or any further recommendations made by the HR.	
3.5	Review for determination of scope and breadth of investigation	Harassment Advisor	HA reviews the case file which includes the complaint, submissions and analysis by the HR to determine the possible scope and breadth of an investigation.	
3.6	Complete Harassment Investigation Mandate Letter	Harassment Advisor	HA completes a Harassment Investigation Mandate Letter identifying one or two investigator(s) based on their analysis of the scope and breadth of an investigation.	
3.7	Complete tombstone data on a Record of Decision	Harassment Advisor	If timeliness is in question, the HA completes the tombstone data on a Record of Decision, to provide to the decision-maker.	
3.8	Provide case to decision maker	Harassment Advisor	HA will provide the DM with the A-5, mandate letter, and Record of Decision for her/his decision on the next steps in relation to the complaint.	

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Stage 4.0 Decision maker reviews complaint				
#	Task	Task Owner	Action / Narrative	Links / References
4.1	Review information submitted and make a decision regarding next steps within 7 days	Decision Maker	Assess any information received without delay in order to determine the most appropriate response. In this preliminary assessment, identify the availability of information including but not limited to: details of the incident and whether or not a statutory investigation (Stage 4.1.1) should be initiated.	
4.2	Review to determine timeliness.	Decision maker	DM will review the complaint and the submissions accompanying the complaint and will make a decision regarding the timeliness of the complaint. Proceed to Stage 4.2.1	
4.3	Mandate Investigation	Decision Maker	The DM will consider whether or not further information is required to make a determination and how this information may best be obtained. In determining the appropriate course of action, ensure that resources to be committed to the proposed course of action are proportionate to the seriousness of the matter. Proceed to Stage 4.3.1 If the information was received through a submission made pursuant to the <i>Public Servants Disclosure Protection Act (PSDPA)</i> , consult with Values and Ethics Office (policy center responsible for the PSDPA).	AM VIII.9
4.4	Assess the Work environment	Decision Maker	Determine if the work environment has been harmed and if the workplace needs to be restored.	Informal Conflict Management Program – HSM Policy III.3

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Stage 4.1.1 Statutory Investigation

#	Task	Task Owner	Action / Narrative	Links / References
4.1.1.1	Determine whether or not to continue with the harassment complaint investigation and resolution process when there is an on-going criminal investigation	Decision Maker	<p>When a member respondent is believed to have committed a statutory offence refer to OM 54.2. . OM 54.1. , will apply for serious incidents. When the matter has been referred to, or is in the hands of, the police force of jurisdiction, i.e., outside agency or RCMP, a decision maker should continue with the conduct process, unless there is a justifiable reason not to proceed.</p> <p>The decision as to whether a harassment complaint investigation and resolution process should be placed on hold awaiting the outcome of criminal proceedings will be determined on a case-by-case basis in consultation with the harassment advisor, harassment reviewers, divisional or national conduct advisors or labour relations.</p> <p>Consultation with local Crown Prosecutors and Criminal Operations Officer may be necessary to ensure that a harassment complaint investigation and resolution process does not interfere with a criminal proceeding.</p>	<p>Conduct policy s. 4.2.1.2.2</p> <p>Conduct Policy s. 4.2.1.2.3</p>

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Stage 4.2.1 Timeliness of Complaint

#	Task	Task Owner	Action / Narrative	Links / References
4.2.1.1	Decide on the timeliness of the complaint	Decision Maker	<p>Decision Maker to accept or deny the complaint based on timeliness:</p> <ol style="list-style-type: none"> 1. a complaint timeframe is calculated from the date of the occurrence of the last repeated incident or from the date of the single severe incident. <ol style="list-style-type: none"> a. Once the complainant can demonstrate the last incident is less than one year prior to filing, the allegations can go back further in time to describe behaviors or events if they are directly related to the complaint. 2. Exceptional circumstances are where a complaint may otherwise be deemed filed outside the time limit. Examples of exceptional circumstances may include illness, circumstances outside the control of the complainant (administrative delays or administrative error), use of informal resolution processes. <p>If the complaint is deemed timely and/or acceptance of the exceptional circumstances go to Stage 4.3.1.</p> <p>If the complaint is deemed untimely and/or exceptional circumstances not accepted go to Stage 4.4.1.</p>	Commissioner’s Standing Orders(Investigation and Resolution of Harassment Complaints) s. 2.1

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Stage 4.3.1 DM mandates an investigation

#	Task	Task Owner	Action / Narrative	Links / References
4.3.1.1	Mandate a harassment investigation	Decision Maker	<p>Once the decision maker has deemed the complaint is timely or accepts the exceptional circumstances s/he shall mandate an investigation.</p> <p>The decision maker initiating an investigation must do so in writing as soon as feasible. The Harassment Investigation Mandate Letter must include the alleged contravention of the Code of Conduct or applicable policy, the scope and extent of the investigation and must name the investigator(s) assigned to conduct the investigation.</p> <p>If it appears to the decision maker that there are extenuating circumstances, such as the possibility that notification might compromise or hinder any other investigation, this notification may be delayed. When extenuating circumstances are no longer applicable, provide the respondent with the Harassment Investigation Mandate Letter.</p> <p>The following types of investigations will be given priority and assigned to experienced investigators:</p> <ol style="list-style-type: none"> 1) an investigation involving a suspended member; and/or, 2) an investigation, which if the allegation is established, would likely result in corrective or formal measures being imposed, or the initiation of a conduct hearing under s. 41(1) of the Act. 	<p>Conduct Policy 6.8.1.3 Conduct Policy 6.8.1.3.1</p>

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Stage 4.3.1 DM mandates an investigation				
#	Task	Task Owner	Action / Narrative	Links / References
			<p>If not completed by the HR, notify the OIC Employment Requirements, National Headquarters, of all harassment investigations by submitting a briefing note when:</p> <ol style="list-style-type: none"> 1) a member has been charged or is being concurrently investigated for a criminal or statutory offence or serious incident (as defined in s. 45.79 of the Act); 2) the incident may attract media attention; 3) the incident may raise questions in Parliament; or 4) the incident may raise issues in respect of the integrity of the Force at a multi-divisional/national level. 	
4.3.1.2	Determine if interim administrative measures are required (Temporary reassignment)	Decision Maker	<p>Proceed to Stage 4.3.2.1 Proceed to Stage 4.3.2.2</p>	<p>Conduct Policy s. 4.2.1.5 TBS Directive on PSE suspension and/or applicable collective agreement</p>
4.3.1.3	Determine if interim administrative measures are required (Suspension)	Decision Maker	<p>Suspension? (Member) Proceed to Stage 4.3.3.1 Indefinite Suspension Without Pay Pending Investigation?(PSE) Proceed to Stage 4.3.3.2</p>	<p>Conduct Policy TBS Directive on PSE suspension and/or applicable collective agreement</p>

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Stage 4.3.1 DM mandates an investigation				
#	Task	Task Owner	Action / Narrative	Links / References
4.3.1.4	Determine if interim administrative measures are required (Stoppage of Pay and Allowances)	Decision Maker	Stoppage of Pay and Allowances? (Member only) Proceed to Stage 4.3.4.1	Conduct Policy
4.3.1.5	Determine if Informal Resolution Process appropriate at this time	Decision Maker	<p>The DM will determine whether or not IRP is appropriate at this time for the complaint and advise the harassment advisor the support or non-support for IRP at this time.</p> <p>Informal Resolution of conflicts can be related to, but not limited to:</p> <ol style="list-style-type: none"> 1. Values, which may involve different belief systems or fundamental principles that appear to be beyond compromise 2. Relationships where there could be one or a combination of communication problems, emotions, stereotypes, misperceptions and negative behaviors 3. Structures, which may involve a number of factors including: <ul style="list-style-type: none"> o Differences in power, authority, resources, control and ownership; o Reinforcement and perpetuation of negative attitudes, perceptions, behaviors and stereotypes; and o Issues that have a negative impact on the RCMP. 4. Data, which typically concern facts, information or knowledge; conflicts can be caused by misinformation, lack of information or differing perspectives 5. Interests, which may be caused by actual or perceived discrepancies of interests (needs, values, concerns). 	TBS, Informal Conflict Management Service [link: http://www.tbs-sct.gc.ca/chro-dprh/icms-sgic/faq-eng.asp]

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Stage 4.3.1 DM mandates an investigation

#	Task	Task Owner	Action / Narrative	Links / References
4.3.1.6	Initiate appropriate tasks in ACMT	Harassment Advisor	Ensure all tasks in ACMT are initiated to provide 30 day updates to the complainant, respondent and their respective managers, and tasks for any Interim Administrative Measures.	

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Stage 4.3.2.1. Temporary Reassignment Member

#	Task	Task Owner	Action / Narrative	Links / References
4.3.2.1.1.	Reassign Member	Decision maker(in consultation with supervisor/manager	<p>An employee may be temporarily reassigned to other duties during the harassment complaint investigation and resolution process.</p> <p>When determining whether alternative duties are available the decision maker should:</p> <ol style="list-style-type: none"> 1) Consider the employee’s knowledge, skill and abilities; 2) Consider the availability of appropriate duties or meaningful work required to be performed in the current or an alternative location; 3) Consider whether the provision of alternative duties will address any risks identified in the complaint if the employee remains in the workplace; and 4) Take into account public interest. 	
4.3.2.1.2	Written Order of Temporary Reassignment	Decision Maker	<p>Decision Maker serves the employee with a written Order of temporary reassignment.</p> <p>Complete the Notice of Temporary Reassignment.</p>	
4.3.2.1.3	Service of Order of Temporary Reassignment	Decision Maker	<p>Arrange service of Order of Temporary Reassignment on the employee, as per s. 16 of the RCMP Regulations.</p> <p>Ensure completion of an affidavit of service.</p>	RCMP Regulations s. 16 for service of documents
4.3.2.1.4	Update ACMT	Harassment Advisor	HA to update ACMT to reflect the Service of Order of Temporary Reassignment.	

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Stage 4.3.2.1. Temporary Reassignment Member

#	Task	Task Owner	Action / Narrative	Links / References
4.3.2.1.5	Appeal of reassignment	Member Respondent	May appeal the decision of the decision maker to reassign the member respondent to other duties See Stage 10.1	CSOs (Investigation and Resolution of Harassment Complaints) CSOs (Conduct) s. 32 Conduct Policy s 12.4.1 CSOs (Grievances and Appeals)
4.3.2.1.6	Appeal of reassignment	Member Complainant	May appeal the decision of the decision maker to reassign the member complainant to other duties See Stage 10.1	CSOs (Investigation and Resolution of Harassment Complaints)

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Stage 4.3.2.2 Temporary Reassignment Public Service Employee (PSE)

#	Task	Task Owner	Action / Narrative	Links / References
4.3.2.2.1	Reassign Public Service Employee	Decision maker(in consultation with supervisor/manager and Labour Relations	<p>An employee may be temporarily reassigned to other duties during the harassment complaint investigation and resolution process.</p> <p>When determining whether alternative duties are available the decision maker should:</p> <ol style="list-style-type: none"> 1) Consider the employee’s knowledge, skill and abilities; 2) Consider the availability of appropriate duties or meaningful work required to be performed in the current or an alternative location; 3) Consider whether the provision of alternative duties will address any risks identified in the complaint if the employee remains in the workplace; and 4) Take into account public interest. 	TBS Policy and/or appropriate collective agreement
4.3.2.2.2	Written Notice of Temporary Reassignment	Decision Maker	Decision Maker serves the employee with a written notice of temporary reassignment.	<p>TBS Directive and/or applicable collective agreement</p> <p>Template suggested by Labour Relations</p>
4.3.2.2.3	Service of Notice of Temporary Reassignment	Decision Maker	Arrange service of Notice of Temporary Reassignment on the employee.	TBS Policy and/or appropriate collective agreement

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Stage 4.3.2.2 Temporary Reassignment Public Service Employee (PSE)

4.3.2.2.4	Grieve	Respondent PSE	May grieve the decision of the decision maker to reassign the respondent to other duties.	Applicable TBS Policy and/or appropriate collective agreement.
4.3.2.2.5	Grieve	Complainant PSE	May grieve the decision of the decision maker to reassign the respondent to other duties.	Applicable TBS Policy and/or appropriate collective agreement.

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Stage 4.3.3.1 Suspension Member Respondent				
#	Task	Task Owner	Action / Narrative	Links / References
4.3.3.1.1	Determine whether or not to order a suspension from duty	Decision Maker	Under s. 12, RCMP Act a member may be suspended from duty when a member has contravened, is found contravening, or is suspected of contravening any provision of the Code of Conduct or an Act of Parliament, or of the legislature of a province. The decision to suspend a member respondent under s. 12, RCMP Act, may be taken in cases where the integrity or operations of the RCMP would be seriously jeopardized if the member respondent was not suspended, taking into account the public interest. Suspension will be ordered once a decision to initiate a conduct hearing under s. 41(1) of the Act has been made.	RCMP Act s. 12(1) Conduct Policy s. 5.4.1 Conduct Policy s. 5.4.2 Conduct Policy s. 5.4.3
4.3.3.1.2	Oral Notice of Suspension	Decision Maker	Person with the delegated authority to suspend may suspend a member respondent orally and inform the member respondent orally of the reasons for her/his being relieved from duty.	Conduct Policy s. 5.4.4.1.1
4.3.3.1.3	Written Notice of Suspension	Decision Maker	Person with the delegated authority to suspend must, within 48 hours (48) from the time the member respondent is advised verbally of the suspension from duty serve the respondent member with a written Order of Suspension. See App. 7-2 Conduct Policy (see Notice of Suspension) Complete the Notice of Suspension.	Conduct Policy s. 5.4.4.1.2
4.3.3.1.4	Service of Notice of Suspension	Decision Maker	Arrange service of Notice of Suspension on the member respondent, as per s. 16 of the RCMP Regulations. Ensure completion of an affidavit of service.	RCMP Regulations s. 16 for service of documents
4.3.3.1.5	Responsibilities of member respondent	Respondent Member	Comply with direction contained in the Notice of Suspension. While suspended the member respondent remains subject to the Code of Conduct.	
4.3.3.1.6	Appeal of Notice of Suspension	Respondent Member	May appeal the Notice of Suspension. See Stage 10.2 .	CSOs (Conduct) s. 32 Conduct policy s. 12.5.1 CSOs (Grievances and Appeals)

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Stage 4.3.3.1 Suspension Member Respondent				
#	Task	Task Owner	Action / Narrative	Links / References
4.3.3.1.7	Advise Director, Conduct and Employment Relations	Decision Maker	Forward a copy of the Order of Suspension and the affidavit of service without delay to the: <ol style="list-style-type: none"> 1) the OIC Employment Relations; 2) the Departmental Security Office; and 3) Commanding Officer (if applicable) 	Conduct policy s. 5.4.1.1.4
4.3.3.1.8	Follow-up every 90 days	Decision Maker	Provide the designated officer with sufficient information supporting the suspension every 90 days to enable the designated officer to ensure the suspension complies with policy. The reporting requirement by the person who ordered the stoppage of pay and allowances and review requirement of the designated officer ceases once a conduct board is appointed.	Conduct policy s. 5.4.1.1.10
4.3.3.1.9	Monitor and reassess the need for suspension	Decision Maker	To enable the Director, Conduct and Employment Relations Directorate to monitor the member respondent’s suspension status, provide the Director with the information supporting the suspension every ninety (90) days	Conduct policy s. 5.4.1.1.10
4.3.3.1.10	Revocation of suspension	Decision Maker	During the period of suspension, there is a continued onus on the person with the delegated authority to suspend to consider the possibility of reinstatement based on new facts or circumstances that may come to light during the course of the suspension and/or conduct investigation. Revoke the suspension where it appears that the suspension order is no longer required. A decision to revoke a suspension must be provided in writing, served on the member respondent, and provided to the Commanding Officer without delay.	Conduct policy s. 5.4.1.1.5 Conduct policy s. 5.4.1.1.6.1 Conduct policy s. 5.4.1.1.6.2

Stage 4.3.3.1 Suspension Member Respondent

#	Task	Task Owner	Action / Narrative	Links / References
4.3.3.1.11	Reinstatement of member respondent	Decision Maker	<p>23. (1) Subject to subsection (4), a member who is suspended from duty under section 12 of the Act must be reinstated if</p> <p>(a) the decision maker in respect of the member finds that the member</p> <p>(i) did not contravene the Code of Conduct set out in the schedule; or</p> <p>(ii) did contravene the Code of Conduct and a conduct measure has been imposed under subsection 42(1) of the Act; or</p> <p>(b) the conduct board established in respect of the member finds that the member</p> <p>(i) did not contravene the Code of Conduct, or</p> <p>(ii) did contravene the Code of Conduct and the conduct measure imposed is not one set out in paragraph 45(4)(a) or (b) of the Act.</p> <p>Notice of reinstatement</p> <p>(3) The decision maker must inform the member, in writing, of the reinstatement.</p> <p>Determination of Commissioner</p> <p>(4) The Commissioner must determine whether to reinstate a member if the conditions of any of paragraphs (1)(a) or (b) are met and the member remains the subject of another proceeding under Part IV of the Act or is the subject of a charge for an offence under an Act of Parliament or of the legislature of a province.</p>	<p>Conduct policy s. 5.4.1.1.7</p> <p>RCMP Regulations s.23</p>

Stage 4.3.3.2 Indefinite Suspension Without Pay Pending Investigation (PSE)

#	Task	Task Owner	Action / Narrative	Links / References
4.3.3.2.1	Determine whether or not to order a suspension from duty	Decision Maker	Consult with Labour Relations to determine the appropriate steps to follow for a PSE suspension without pay.	TBS policy (Discipline) and/or appropriate collective agreement and/or PSM 2.4

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Stage 4.3.4.1 Stoppage of Pay and Allowances Member Respondent

#	Task	Task Owner	Action / Narrative	Links / References
4.3.4.1.1	Determine whether or not to stop the pay and allowances of a suspended member	Decision Maker	<p>A person with the delegated authority may direct the stoppage of a member respondent’s pay and allowances under s. 22(2)(b), <i>RCMP Act</i> in exceptional circumstances where the member respondent is clearly involved in the contravention of any provision of the Code of Conduct or an Act of Parliament, or of the legislature of a province, and the conduct has a highly detrimental impact on the integrity or operations of the RCMP, or the member respondent’s ability to perform his/her duties.</p> <p>The onus to demonstrate the criteria are met is on the person who directs that a member respondent’s pay and allowances be stopped, and the simple fact that a criminal or another statutory charge has been laid is not sufficient to comply with that onus.</p>	<p>RCMP Act s. 22(2)(b)</p> <p>Conduct policy s. 5.5.1.1</p> <p>Conduct policy s. 5.5.1.2</p>
4.3.4.1.2	Written Notice of Intent to Order the Stoppage of Pay and Allowances	Decision Maker	<p>Where the decision maker forms the opinion the grounds for the stoppage of pay and allowances outlined in s. 5.5.1.1 of the Conduct Policy may be present, the member respondent may be served with a Notice of Intent to Order the Stoppage of Pay and Allowances Conduct Policy, which must include:</p> <ol style="list-style-type: none"> 1. The grounds to order the stoppage of pay and allowances, including any supporting documentation; and 2. A notification the member respondent has seven days (7) in which to present written submissions with respect to the Notice of Intent to Order the Stoppage of Pay and Allowances. 	<p>Conduct policy s. 5.5.2.1.1</p>
4.3.4.1.3	Service Notice of Intent to Order the Stoppage of Pay and Allowances	Decision Maker	<p>Arrange for service of the Notice of Intent to Order the Stoppage of Pay and Allowances on the member respondent.</p> <p>Ensure completion of an affidavit of service.</p>	<p>RCMP Regulations s. 16 for service of documents</p> <p>Conduct policy s. 5.5.2.1.2</p>

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Stage 4.3.4.1 Stoppage of Pay and Allowances Member Respondent

#	Task	Task Owner	Action / Narrative	Links / References
4.3.4.1.4	Make written submission in response to Notice of Intent and/or Request for extension of time to present written submissions	Member respondent	<p>May present written submissions in response to the Notice of Intent to Order the Stoppage of Pay and Allowances.</p> <p>A request for an extension of the time limit to present your submissions to the Notice of Intent to Order the Stoppage of Pay and Allowances must be presented in writing as soon as feasible, but no later than seven (7) days after being served with the Notice under s. 5.5.2.1.1 of the Conduct Policy, and include reasons.</p>	Conduct policy s. 5.5.2.2
4.3.4.1.5	Decision regarding Stoppage of Pay and Allowances	Decision Maker	<p>Before rendering a decision, consider the member respondent’s written response to the Notice of Intent to Order the Stoppage of Pay and Allowances, and consult with a divisional conduct advisor. If satisfied that the grounds for an order of stoppage of pay and allowances are met, prepare an Order to Stop the Pay and Allowances in accordance with App. 5-4, Conduct Policy.</p>	<p>Conduct policy s. 5.5.2.1.4</p> <p>Conduct policy s. 5.5.2.1.5</p>
4.3.4.1.6	Service of Order	Decision Maker	<p>Arrange for service of the Order for the Stoppage of Pay and Allowances on the member respondent without delay.</p> <p>Ensure completion of affidavit of service.</p>	RCMP Regulations s. 16 service of documents
4.3.4.1.7	Advise Compensation Unit	Decision Maker	<p>Send a copy of the Order to the Compensation Unit as soon as feasible.</p> <p>The Order takes effect the day the member respondent is served with the Order.</p>	
4.3.4.1.8	Advise Director of Conduct and Employment	Decision Maker	<p>When a member respondent has been served with an Order to Stop the Pay and Allowances, a copy of:</p> <ol style="list-style-type: none"> the Notice of Intent to Order the Stoppage of Pay and 	

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Stage 4.3.4.1 Stoppage of Pay and Allowances Member Respondent

#	Task	Task Owner	Action / Narrative	Links / References
	relations(verify name and provide relevant documents		<p>Allowances,</p> <ol style="list-style-type: none"> 2. the member respondent’s written submissions, if any, 3. the Order for the Stoppage of Pay and Allowances, including the decision and documents in support, and 4. the proof of service of the order <p>must be forwarded to the designated officer without delay.</p>	
4.3.4.1.9	Appeal of Order to stop the pay and allowances	Member respondent	May appeal Order of Stoppage of Pay and Allowances. See Stage 10.3.	CSOs (Conduct) s32 CSO (Grievances and Appeals)
4.3.4.1.10	Monitor and reassess the need to maintain the Order for another 90 days	Director, Conduct and Employment Relations Directorate	<p>Every ninety (90) days, review the Order to Stop the Pay and Allowances of the member respondent and the parties’ submissions, and provide findings and recommendations to the member respondent and the person who made the Order, as to whether or not the stoppage of pay and allowances should continue for another ninety (90) days.</p> <p>If it is concluded that the person who made the Order did not provide a satisfactory explanation to continue the stoppage of pay and allowances of the member respondent, recommend the revocation of the Order to Stop the Pay and Allowances.</p> <p>If the person who made the Order provided a satisfactory explanation for maintaining the stoppage of pay and allowances, recommend the continuance of the Order to Stop the Pay and Allowances.</p> <p>The designated officer’s written recommendation will be provided to the parties as soon as feasible.</p>	<p>Conduct policy s. 5.5.3.2.3.1</p> <p>Conduct policy s. 5.5.3.2.3.2</p> <p>Conduct policy s. 5.5.3.2.3.3</p>
4.3.4.1.11	Submissions	Decision Maker	Provide to the Director, Conduct and Employment Relations	Conduct policy s. 5.5.3.2.1.1

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Stage 4.3.4.1 Stoppage of Pay and Allowances Member Respondent

#	Task	Task Owner	Action / Narrative	Links / References
	for the continuation of the Order of Stoppage of Pay and Allowances		<p>Directorate and the member respondent, no later than sixty (60) days after the imposition of the Order, or no later than sixty (60) days after a review by the Director, written submissions as to why the stoppage of pay and allowances should continue for another ninety (90) days.</p> <p>Every ninety (90) days, the onus is on the person who ordered the stoppage of the member respondent’s pay and allowances to explain why the stoppage of pay and allowances is still required. The reasons why the stoppage of pay and allowances may be continued include, but are not limited to, delay in bringing the member respondent before a conduct board because an extension of time to make representations was granted, or a supplemental investigation was requested.</p> <p>NOTE: The reporting requirement by the person who ordered the stoppage of pay and allowances ceases once a conduct board is appointed.</p>	<p>Conduct policy s. 5.5.3.2.1.2</p> <p>Conduct policy s. 5.5.3.2.1.3</p>
4.3.4.1.12	Submissions with respect to the continuation of the Order	Member respondent	A member may provide written submissions to the designated officer no later than 90 days after the imposition of the Order or the review of the Order by the designated officer.	
4.3.4.1.13	Decision to reinstate the member’s pay and allowances	Decision Maker	A member who is suspended from duty under section 12 of the Act and has had their pay and allowances stopped under s. 22 (2) (b) of the Act must have their pay and allowances reinstated if <ul style="list-style-type: none"> (a) the decision maker in respect of the member finds that the member <ul style="list-style-type: none"> (i) did not contravene the Code of Conduct set out in the schedule; or 	Conduct Policy 5.5.2.1.9

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Stage 4.3.4.1 Stoppage of Pay and Allowances Member Respondent

#	Task	Task Owner	Action / Narrative	Links / References
			<p>(ii) did contravene the Code of Conduct and a conduct measure has been imposed under subsection 42(1) of the Act; or (b) the conduct board established in respect of the member finds that the member (i) did not contravene the Code of Conduct, or (ii) did contravene the Code of Conduct and the conduct measure imposed is not one set out in paragraph 45(4)(a) or (b) of the Act.</p> <p>Retroactive reinstatement (2) The reinstatement is retroactive to the date of the member’s original order of the stoppage of pay and allowances. Notice of reinstatement (3) The decision maker must inform the member, in writing, of the reinstatement.</p> <p>Consider whether or not the member respondent is the subject of any other investigation or charges for an offence under an Act of Parliament or of the legislature of a province, and there is clear involvement and the conduct has a highly detrimental impact on the integrity or operations of the RCMP or the member respondent’s ability to perform his/her duties.</p> <p>Consider whether or not another administrative measure is required.</p>	

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Stage 4.4 Complaint Untimely – Final Written Decision – DM advises parties and supervisor/managers

#	Task	Task Owner	Action / Narrative	Links / References
4.4.1	Final Written Decision	Decision Maker	<p>When the complaint is outside the one year time limit from the date of the last incident and/or the decision maker does not accept the exceptional circumstances for the complaint submission outside the one year time limit the case is concluded.</p> <p>The DM shall prepare a final written decision to the parties and their respective managers/supervisors as soon as feasible. The decision will include a statement of findings and reasons for the decision.</p>	
4.4.2	Distribute Final Written Decision	Harassment Advisor	The HA shall ensure the final written decision is distributed to the parties and their respective managers/supervisors upon receipt from the DM.	Annex K Complaint Untimely or Withdrawn or not established on balance of probabilities and conclude file
4.4.3	Conclude ACMT file	Harassment Advisor	The HA shall update and conclude the ACMT case file as per the ACMT User Manual.	
4.4.4	Task OCHC review file	Harassment Advisor	After the file has been concluded, the HA will create and assign a task to the OCHC to advise of the case conclusion.	
4.4.5	Task OCHC re: appeal	Harassment Advisor	If required, the HA will create and assign a task to the OCHC to advise if the case has been grieved (30 days for a PSE).	
4.2.1.2	Initiate Appeal or Grievance	Complainant or Respondent	<p>The member complainant or member respondent may appeal the decision at 4.4.1.</p> <p>The PSE complainant or PSE respondent may grieve the decision made at 4.4.1.</p>	<p>Commissioner’s Standing Orders (Grievances and Appeals)</p> <p>Applicable TBS policy and/or respective collective agreement</p>

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Stage 5.0 HA Informs respondent, complainant and managers

#	Task	Task Owner	Action / Narrative	Links / References
5.1	Inform respondent, complainant and respective supervisor or manager	Harassment Advisor	<p>HA informs the complainant, respondent and their respective managers:</p> <ol style="list-style-type: none"> 1. a complaint has been received; and 2. an investigation has been mandated; and 3. if DM supports IRP, determine parties willingness to participate in IRP; and 4. provide copy of complaint to respondent and advise they may respond to the complaint; and 5. advise the complainant and respondent they may object to either the DM or the investigators. <p>Proceed to Stage 5.1.1</p>	
5.2	Update ACMT file	Harassment Advisor	HA to update the ACMT file, including but not limited to, their general report, updating tasks as required, adding interim measures if required.	
5.3	Provide updates to complainant, respondent and their respective supervisors or manager	Harassment Advisor	HA to provide updates on the status of the file every 30 days from the date Step 5.1 is completed.	

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Stage 5.1.1 HA advises parties and managers/supervisors

#	Task	Task Owner	Action / Narrative	Links / References
5.1.1.1	Inform the respondent, complainant and managers a complaint received	Harassment Advisor	Harassment Advisor to advise the complainant, respondent and their respective managers a complaint has been received..	
5.1.1.2	Provide copy of mandate letter	Harassment Advisor	Harassment Advisor to provide a copy of the mandate letter to the complainant, respondent and their respective managers including an information. (same as 5.1.1.1)	
5.1.1.3	Determine willingness to participate in IRP	Harassment Advisor	Upon receipt of approval from the DM, the Harassment Advisor to contact the complainant and respondent to determine their willingness to participate in informal resolution process. Proceed to Stage 5.1.1.3.1.	
5.1.1.4	Respondent provided a copy of the complaint	Harassment Advisor	Harassment Advisor to provide a copy of the complaint to the respondent and respondent’s manager. Proceed to Stage 5.1.1.4.1.	
5.1.1.5	Respondent may provide response to complaint	Respondent	The respondent may provide a response to the complaint subject to the RCMP Act, Commissioner’s Standing Orders, or applicable Treasury Board policies.	
5.1.1.6	Opportunity to object to decision maker	Harassment Advisor	The Harassment Advisor will advise the complainant and respondent they may object to the decision maker. Proceed to Stage 5.1.1.6.1.	
5.1.1.7	Opportunity	Harassment	The Harassment Advisor will advise the complainant and respondent	

Stage 5.1.1 HA advises parties and managers/supervisors

#	Task	Task Owner	Action / Narrative	Links / References
	to object to investigator(s)	Advisor	they may object to the investigator(s). Proceed to Stage 5.1.1.7.1	

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Stage 5.1.1.3.1 Informal Resolution Process				
#	Task	Task Owner	Action / Narrative	Links / References
5.1.1.3.1.1	Contact Parties	Harassment Advisor	The HA to contact the complainant and respondent to determine their acceptance or denial of using Informal Resolution Process to resolve the complaint.	
5.1.1.3.1.2	Accept or Deny IRP	Complainant or Respondent	The complainant or respondent may accept or decline to use the services of IRP.	
5.1.1.3.1.3	Advise denial of IRP	Harassment Advisor	The HA shall advise the parties and their respective managers IRP will not be utilized to resolve this complaint at this time and the harassment complaint investigation and resolution of harassment process will proceed.	
5.1.1.3.1.4	Advise of acceptance of IRP	Harassment Advisor	Both the complainant and respondent must agree to IRP. The HA shall advise both parties and their respective managers IRP is being utilized to resolve this complaint.	
5.1.1.3.1.5	Put process in abeyance	Decision Maker	The DM shall advise the complainant, respondent and their respective managers the harassment investigation and resolution process shall be held in abeyance for 30 days.	
5.1.1.3.1.6	30 day extension of IRP	Decision Maker	The DM, upon a joint request from the complainant and respondent, may approve a further 30 day abeyance of the Harassment complaint investigation and resolution process to facilitate IRP.	
5.1.1.3.1.7	Withdraw from IRP	Parties or Practitioner	The complainant, respondent or informal conflict management practitioner may stop the IRP process at any time.	
5.1.1.3.1.8	Update IRP	Harassment Advisor	The HA shall ensure the DM, complainant, respondent and their supervisors/managers are updated every 30 days respecting IRP.	
5.1.1.3.1.9	Withdraw Complaint	Complainant	In the event IRP resolves the complaint, the complainant to withdraw/request that their file be concluded.	
5.1.1.3.1.10	Advise Parties	Harassment Advisor	The HA shall advise the complainant, respondent and the supervisors/managers the complaint has been resolved through IRP and the case will be concluded.	
5.1.1.3.1.10	Update ACMT	Harassment Advisor	The HA shall ensure ACMT is updated as per the ACMT User Manual.	

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Stage 5.1.1.3.1 Informal Resolution Process

#	Task	Task Owner	Action / Narrative	Links / References
5.1.1.3.1.11	Task OCHC review file	Harassment Advisor	If the file has been concluded, the HA will create and assign a task to the OCHC to advise of the case conclusion.	
5.1.1.3.1.12	Task OCHC re: appeal	Harassment Advisor	If required, the HA will create and assign a task to the OCHC to advise if the case has been grieved or appealed	

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Stage 5.1.1.4.1 Provide Respondent opportunity to respond to complaint

#	Task	Task Owner	Action / Narrative	Links / References
5.1.1.4.1.1	Advise Member Respondent they may respond to the complaint	Harassment Advisor	<p>The HA shall advise the Member Respondent they may respond to the complaint ensuring the correspondence states:</p> <p><i>You are not required to provide any statement or answer any questions regarding this allegation. Any statement that you make, or answer that you give, may be used in conduct proceeding involving you or others under Part IV, RCMP Act in any criminal, civil, or administrative proceedings, or for any other purpose.</i></p> <p><i>You may consult with private legal counsel at your own expense, a Staff Relations Representative, or other person of your choosing.</i></p> <p><i>Be advised if you make any false or misleading statements, you can be subject to further Code of Conduct proceedings or other proceedings.</i></p>	
5.1.1.4.1.2	Advise PSE Respondent they may respond to the complaint	Harassment Advisor	<p>The HA shall advise the PSE Respondent they may respond to the complaint ensuring the correspondence states:</p> <p><i>You are not required to provide any statement or answer any questions regarding this allegation. Any statement that you make, or answer that you give, may be used in administrative proceeding involving you or others under Administrative Manual XX in any criminal, civil, or administrative proceedings, or for any other purpose.</i></p> <p><i>You may consult with private legal counsel at your own expense, a Union Representative, or other person of your choosing.</i></p> <p><i>Be advised if you make any false or misleading statements, you can be subject to further disciplinary proceedings or other proceedings.</i></p>	

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Stage 5.1.1.6.1 Objection to Decision Maker				
#	Task	Task Owner	Action / Narrative	Links / References
5.1.1.6.1.1	Object to Decision Maker	Complainant or Respondent	The complainant or respondent may object to the decision maker by submitting the Objection to the decision maker as soon as practicable after being advised of the complaint	
5.1.1.6.1.2	Decision to deny the objection	Decision maker	The DM will decide if the objection will be upheld or denied, and will provide written reasons in support of the decision to the complainant and respondent.	
5.1.1.6.1.3	Decision to accept the objection	Decision Maker	The DM will advise the OCHC of the acceptance of the objection and request an alternate decision maker be delegated. The request shall include the ACMT file number and the circumstances surrounding the DM’s to accept the objection (e.g. conflict of interest).	
5.1.1.6.1.4	Identify an alternate DM	OIC Employment Requirements	The OIC Employment Relations Section shall identify an alternate Decision Maker for delegation and/or designation to the case and complete the A-5 with the draft delegation/designation letter for approval and signature to the Professional Responsibility Officer	
5.1.1.6.1.5	Arrange for alternate DM	Professional Responsibility Officer	Provide the A-5 and draft delegation/designation to the Commissioner for approval.	
5.1.1.6.1.6	Advise the DM	OIC Employment Requirements	Upon receipt of the signed delegation/designation the OIC ER shall ensure the alternate DM and former DM are advised of the change.	
5.1.1.6.1.7	Advise HA of respondent’s	OIC Employment Requirements	Ensure the ACMT file is updated and the delegation letter is retained on a National Delegation File at NHQ.	
5.1.1.6.1.8	Advise parties, managers	Harassment Advisor	Upon receipt of the signed delegation/designation the HA shall advise the complainant, respondent and respective managers according to Stage 5.1.1.	

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Stage 5.1.1.7.1 Objection to Investigator

#	Task	Task Owner	Action / Narrative	Links / References
5.1.1.7.1.1	Object to Investigator	Complainant or Respondent	The complainant or respondent may object to the investigator by submitting the Objection to the decision maker as soon as practicable after being advised of the complaint	
5.1.1.7.1.2	Decision to deny the objection	Decision maker	The DM will decide if the objection will be upheld or denied, and will provide written reasons in support of the decision to the complainant and respondent.	
5.1.1.7.1.3	Decision to accept the objection	Decision Maker	The DM will advise the HA of the acceptance of the objection and request another investigator be mandated.	
5.1.1.7.1.4	Identify an alternate Investigator	Harassment Advisor	The HA shall identify an alternate investigator and prepare a Harassment Investigation Mandate Letter for signature by the Decision Maker.	
5.1.1.7.1.5	Approve Investigator	Decision Maker	The DM shall approve, by signature on the mandate letter, their acceptance.	
5.1.1.7.1.6	Advise the Complainant, Respondent and Managers	Harassment Advisor	Upon receipt of the signed Harassment Investigation Mandate Letter the HA shall advise the complainant, respondent and respective managers according to Stage 5.1.1.	
5.1.1.7.1.7	Update ACMT	Harassment Advisor	Ensure the ACMT file is updated and the mandate letter is retained on the case file.	

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Stage 6.0 Investigation				
#	Task	Task Owner	Action / Narrative	Links / References
6.1	Conduct Investigation	Investigator	<p>Upon receipt of the Conduct Investigation Mandate Letter, review the material and promptly begin the investigation.</p> <p>Search warrants as part of a Code of Conduct investigation – proceed to Stage 6.1.2.</p> <p>Production orders as part of a Code of Conduct investigation – proceed to Stage 6.1.3.</p> <p>Every thirty (30) days, report on the status of the investigation to the harassment advisor.</p> <p>When completing a final investigation report, summarize the activities undertaken during the investigation, outline the evidence, information, or materials acquired, and provide the investigation report and related documents to the decision maker.</p>	<p>Conduct policy s. 6.8.3.1 Operational Manual II</p> <p>Operational Manual 21</p> <p>CSOs (Investigation and Resolution of Harassment)</p>
6.2	Monitor and review reports	Harassment Advisor	<p>Support the decision maker to ensure consistent application of the policy.</p> <p>Ensure entire stages of the harassment complaint investigation and resolution process are recorded using ACMT.</p>	
6.3	Provide advice and guidance	Harassment Reviewer	Provide advice and guidance to the decision maker and harassment advisor as required.	
6.4	Provide status updates	Harassment Advisor	Every 30 days, unless extenuating circumstances exist, advise the parties and their respective managers in writing of the status of the investigation.	
6.5	Monitor Legislated time-line	Decision Maker	Monitor time lines as a conduct hearing or conduct meeting may not be initiated by a decision maker in respect of an alleged contravention of a provision of the Code of Conduct by a member after the expiry of one year from the time the contravention and the identity of that member as	RCMP Act s. 41(2) and 42(2)

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Stage 6.0 Investigation				
#	Task	Task Owner	Action / Narrative	Links / References
			<p>the one who is alleged to have committed the contravention became known to the decision maker that investigated the contravention or caused it to be investigated.</p> <p>However, if the Commissioner is satisfied that the circumstances justify an extension, the Commissioner can extend the time limits for instituting a conduct hearing or conduct meeting.</p> <p>A request for an extension must be forwarded to the Director General, Workplace Responsibility Branch and the Director, Conduct and Employment Relations.</p>	
6.6	Timelines in completing investigation	Investigator	<p>Every reasonable effort must be taken to complete a Harassment complaint investigation and resolution investigation within ninety (90) days of the service of the Conduct Investigation Mandate Letter on the member respondent. If the investigation is not completed within ninety (90) days, the investigator must update both the decision maker and the divisional conduct advisor on the progress of the investigation every fourteen (14) days until the final investigation report is delivered to the decision maker, and document the reason why more time is required.</p> <p>If an investigation relates to a serious or integrity matter, every reasonable effort must be taken to complete a Harassment complaint investigation and resolution investigation within fourteen (14) days of the service of the Conduct Investigation Mandate Letter on the member respondent.</p> <p>If the serious or integrity based investigation is not completed within fourteen (14) days, the investigator must update both the decision maker and the divisional conduct advisor on the progress of the investigation</p>	<p>Conduct Policy s. 6.1.4</p> <p>Conduct Policy s. 6.1.5</p>

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Stage 6.0 Investigation				
#	Task	Task Owner	Action / Narrative	Links / References
			every fourteen (14) days until the final investigation report is delivered to the decision maker, and document the reason why more time is required.	
6.7	Provide statements to complainant and respondent	Investigator	The investigator must provide the complainant and respondent with a copy of their statement in the format recorded by the investigator. Proceed to Stage 6.7.1 .	CSOs (Investigation and Resolution of Harassment Complaints) Harassment Policy
6.8	Review statement for accuracy	Complainant and Respondent	The complainant and respondent, within seven (7) days of receiving the copy of the statement may submit comments regarding the accuracy of the statement.	CSOs (Investigation and Resolution of Harassment Complaints) s. 5(1)
6.7	Review investigation	Investigator	At the conclusion of the investigation, review the investigation report and any relevant material as soon as possible and if it becomes necessary to obtain further information (e.g., new information becomes available), request a supplemental investigation in writing, and advise the member respondent that further investigation is required, and the nature of any further investigation.	Conduct Policy s. 6.8.1.10
6.8	Prepare Preliminary Investigation Report	Investigator	At the conclusion of the investigation, prepare a preliminary investigation report which will summarize the information obtained during the investigation, a list of persons interviewed, materials reviewed and any other information the investigators deem as necessary to provide the parties with an overview of the steps taken in conducting the investigation as mandated by the decision maker. Go to Stage 6.8.1	
6.9	Review response by complainant or respondent	Investigator	The investigator will consider any representations made in writing by the parties and determine if additional investigative steps, corrections or changes are appropriate or necessary. If the investigator considers a supplementary investigation is appropriate or necessary, the investigator will complete those further steps; ensuring	

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Stage 6.0 Investigation				
#	Task	Task Owner	Action / Narrative	Links / References
			the time lines identified at Stage 6.6 are followed.	
6.10	Prepare final investigation report	Investigator	At the conclusion of the investigation, review the investigation and any relevant materials as soon as possible and prepare a final investigation report (with supporting material) and provide this report to the harassment advisor.	
6.11	Provide guidance and advice	Harassment advisor	Upon receipt, and no later than fourteen (14) days from receipt, review the final investigation report (with supporting material) and provide advice to the decision maker. Monitor time lines and limitation period.	
6.12	Review of Investigation for Completeness	Decision Maker	<p>At the conclusion of the investigation, review the final investigation report and any relevant material as soon as possible and if it becomes necessary to obtain further information (e.g. new information becomes available), request a supplemental investigation in writing, and advise the complainant and respondent that further investigation is required and the nature of any further investigation.</p> <p>If the decision maker becomes aware of new information that a member has contravened the Code of Conduct that was not captured in the original Harassment Investigation Mandate Letter the decision maker may issue an amended Harassment Investigation Mandate Letter if the new information forms part of the original complaint, or initiate a separate investigation under Part IV of the Act.</p>	
6.13	Final Decision	Decision Maker	<p>For PSE Respondent, Proceed to Stage 7.0</p> <p>For Member Respondent, Proceed to Stage 8.0</p>	

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Stage 6.1.2 Searches				
#	Task	Task Owner	Action / Narrative	Links / References
6.1.2.1	Search without a warrant	Investigator	<p>The decision to carry out a search during a harassment investigation must be evaluated on a case-by-case basis in consultation with the divisional and national conduct advisors.</p> <p>The search of a workplace may be conducted without a warrant, considering that "a reasonable expectation of privacy is based on the totality of the circumstances."</p>	<p>Operational Manual 21</p> <p>Conduct policy s. 6.4.2</p>
6.1.2.2	Search warrant, s. 40.2 of the Act	Investigator	Complete Information to Obtain a search warrant and submit it to the designated officer.	RCMP Act s. 40.2
6.1.2.3	Review and determine grounds to authorize search warrant	Designated officer	<p>Determine whether or not to authorize presenting the Information to Obtain a search warrant in an application to a Justice.</p> <p>If approved, provide the investigator with a certificate of confirmation.</p>	Conduct policy s. 6.4.6
6.1.2.4	Seek judicial authority for warrant	Investigator	Present the Information to Obtain search warrant and certificate of confirmation to a Justice.	
6.1.2.5	Execution of search warrant	Investigator	Execute warrant in accordance with O.M. 21. and s. 40.2 of the Act.	<p>Operation Manual 21</p> <p>RCMP Act s. 40.2</p>

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Stage 6.1.3 Production Order

#	Task	Task Owner	Action / Narrative	Links / References
6.1.3.1	Obtain Production Order, s. 40.3 of the Act	Investigator	<p>The investigator must comply with ss. 40.3 to 40.8 of the Act outlining the disposition and requirements with respect to a production order, where applicable.</p> <p>Complete and present to a Justice, an Information to Obtain a production order.</p> <p>Prepare Production Order.</p>	<p>RCMP Act ss. 40.3 to 40.8</p> <p>Conduct policy s. 8.4</p> <p>Operational Manual 21</p>

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Stage 6.7.1 Complainant and Respondent Review Statement for Accuracy

#	Task	Task Owner	Action / Narrative	Links / References
6.7.1.1	Provide Statement to Complainant	Investigator	<p>Upon completion of the written or recorded statement from the complainant, the investigator will provide a copy in the format the statement was taken to the complainant.</p> <p>If the statement is in a written format, have the complainant review the statement by initialing each page.</p> <p>If the statement is in a recorded format, send a copy of the statement to the complainant.</p>	CSOs(Investigation and Resolution of Harassment Complaints)
6.7.1.2	Review statement for accuracy	Complainant	Within seven (7) days of receipt of statement, if required, provide comments regarding the accuracy of the statement to the investigator.	
6.7.1.3	Review statement for accuracy	Respondent	Within seven (7) days of receipt of statement, if required, provide comments regarding the accuracy of the statement to the investigator.	
6.7.1.4	Request extension to the seven day review period	Complainant or Respondent	Send a request for an extension of the statement review period of seven days to the decision maker.	CSOs (Investigation and Resolution of Harassment Complaints)
6.7.1.5	Review request for statement review extension	Decision Maker	The decision maker will review the request for statement review extension, and accept the request in exceptional circumstances or deny the request and advise the party and the HA.	CSOs (Investigation and Resolution of Harassment Complaints)
6.7.1.8	Review the comments	Investigator	The investigator will review the comments received and determine if a supplementary investigation is required.	

Stage 6.8.1 Provide Preliminary Investigation Report to Complainant and Respondent

#	Task	Task Owner	Action / Narrative	Links / References
6.8.1.1	Provide copy of preliminary investigation report to parties	Investigator	The investigator shall provide a copy of the preliminary investigation report to the complainant and respondent.	CSOs (Investigation and Resolution of Harassment Complaints)
6.8.1.1	Provide response to investigation summary	Complainant or Respondent	The complainant or respondent may respond to the preliminary investigation report by providing a written response to the investigator within seven (7) days of the receipt of the complaint.	
6.8.1.2	Extension to response to preliminary investigation report	Complainant or Respondent	The complainant or respondent may request an extension to the time limitation at 6.7.1.2 to the decision maker.	
6.8.1.3	Accept Deny the extension to the response	Decision maker	<p>The decision maker may extend the time limit to a maximum of 7 additional days, or deny the request for an extension.</p> <p>If the decision maker denies the extension, the harassment complaint investigation and resolution process will continue uninterrupted.</p>	

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Stage 7.0 Public Service Employee Respondent

#	Task	Task Owner	Action / Narrative	Links / References
7.1	Determine if complaint is established	Decision Maker	The decision maker determines whether or not the evidence referenced in the final investigation report establishes the complaint on a balance of probabilities. If the decision maker believes the allegation is established a written decision will be prepared and provided to the delegated manager determination of disciplinary measures, if applicable. Proceed to Stage 7.1.1.	
		Decision Maker	If the decision maker believes the allegation is not established or that the conduct is a performance issue, or that another form of administrative action may be appropriate under the circumstances, provide the PSE respondent and complainant a copy of the final written decision and initiate the other action, or refer the case to the employee’s supervisor or manager.	
7.2	Advise the parties of disciplinary action taken	Harassment Advisor	The harassment advisor will advise the complainant of the disciplinary action, if any, taken at Stage 7.1.	
7.3	Provide updates to parties and managers	Harassment Advisor	The harassment advisor will provide an update on the status of the disciplinary process to the complainant, respondent and their respective managers, unless extenuating circumstances exist.	
7.4	Task OCHC review file	Harassment Advisor	After the file has been concluded, the HA will create and assign a task to the OCHC to advise of the case conclusion.	
7.5	Task OCHC re: appeal	Harassment Advisor	If required, the HA will create and assign a task to the OCHC to advise if the case has been grieved (30 days for a PSE).	

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Stage 7.1.1 PSE Respondent – Complaint Established				
#	Task	Task Owner	Action / Narrative	Links / References
7.1.1.1	Copy of written decision to delegated manager	Decision Maker	<p>The decision maker must provide a copy of the written decision to the delegated manager.</p> <p>The Commissioner is granted the authority to act on all human resources and labour relations matters. Higher levels of management typically have a greater level of delegation but it is a departmental practice to delegate human resources to the lowest levels practical. The delegation of public service human resources authorities for the RCMP are found at: http://infoweb.rcmp-grc.gc.ca/rcmpmanuals/eng/psm/2/psm2-4/psm2-4.htm</p>	Public Service Manual 2.4 Delegation of Authorities
7.1.1.2	Determine if discipline warranted	Delegated Manager	<p>The delegated manager will review the written decision and determine if disciplinary action is warranted.</p> <p>Upon receipt, and within thirty (30) days of receipt, the respondent’s delegated manager will determine and administer disciplinary measures, if warranted, against the respondent.</p>	Public Service Manual 2.4 Delegation of Authorities
7.1.1.3	Consult with Labour Relations	Delegated Manager	The delegated manager will consult with Labour Relations prior to administering any disciplinary action against a PSE.	Public Service Manual 2.4 Delegation of Authorities
7.1.1.4	Meet with Respondent	Delegated Manager and Labour Relations Representative	The delegated manager and a labour relations representative will meet with the PSE Respondent to hear any oral and/or written representations the respondent may have in regard to possible disciplinary action.	Public Service Manual 2.5 Discipline

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Stage 7.1.1 PSE Respondent – Complaint Established				
#	Task	Task Owner	Action / Narrative	Links / References
7.1.1.5	Convene Disciplinary Board?	Delegated Manager and Labour Relations Representative	The delegated manager and a labour relations representative will convene a disciplinary board, who may impose disciplinary action against the PSE Respondent	
7.1.1.6	Advise Decision Maker of action taken	Delegated Manager	The delegated manager will report in writing to the decision maker, through the harassment advisor, the determination of disciplinary measure(s) imposed, if any. See Stage 7.1.1.7.1 for the range of disciplinary measures.	Public Service Manual 2.4 Delegation of Authorities Public Service Manual 2.5 Discipline
7.1.1.7	Send documentation to Divisional Public Service Human Resources	Delegated Manager	Upon imposition of discipline, send a copy of the documentation to Divisional Public Service Human Resources Advisor for furtherance to the Public Service Labour Relations Directorate.	LINK: http://infoweb.rcmp-grc.gc.ca/manuals-manuels/national/psm-mfp/2/2-5-eng.htm
7.1.1.8	Initiate Grievance Process	PSE Respondent	May initiate grievance process as per TBS Policy and/or respective collective agreement.	

Stage 7.1.1.7.1 Public Service Employee Disciplinary Measures

See Public Service Manual 2.4 Delegation of Authorities, Appendix 2-4.1 Public Service Personnel Management Signing Authorities
 See Public Service Manual 2.5 Discipline

Action		Discipline								
		Statutory Authority		Delegation Levels						
		<i>Financial Administration Act</i>	<i>Collective Agreement</i> (1)	Commissioner	D/Commr. (or equivalent, reporting directly to the Commissioner)	Director, Public Service Labour Relations	CO, Regional Program Manager (RPM), NHQ Director General, A/Commr., Forensic Science and Identification Services	Manager Reporting to an RPM or CO, District Officer, NHQ Director	Section Head, Det. Commander	Unit Head
Discipline	Oral Reprimand (2)	12(1)(c)		X	X		X	X	X	X
	Written Reprimand (2)	12(1)(c)		X	X		X	X	X	
	Suspension/Financial Penalty 5 Days or Less (2)	12(1)(c)		X	X		X	X		
	Suspension/Financial Penalty Over 5 Days (2)	12(1)(c)		X	X		X			
	Termination of Employment for Cause	12(1)(c)		X						

Stage 7.1.1.7.1 Public Service Employee Disciplinary Measures

See Public Service Manual 2.4 Delegation of Authorities, Appendix 2-4.1 Public Service Personnel Management Signing Authorities

See Public Service Manual 2.5 Discipline

Oral reprimand is a verbal disciplinary action whereby the supervisor informs the employee of his/her misconduct, how he/she can correct it, and what will happen if the misconduct persists. Although there is no official written report of an oral reprimand, a manager should keep a personal documented account in case further disciplinary action is necessary.

Written reprimand is a written statement explaining to the employee the nature of the act of misconduct, the corrective action expected from the employee, and actions likely to be taken if the employee continues in the act of misconduct. A written reprimand is used where an oral reprimand has failed to correct a minor act of misconduct, or where a more severe disciplinary measure is considered necessary.

Suspension is temporary removal of an employee from duty **without pay**. A suspension is used for a serious act of misconduct for which lesser disciplinary action has already been applied or where a more severe disciplinary measure is considered necessary. A suspension will be applied in accordance with the requirements of the applicable collective agreement.

Financial penalty is a deduction from an employee's pay, and may be used in lieu of a suspension when it would be preferable for operational and economic reasons. Before imposing a financial penalty, the divisional Public Service Human Resources Advisor must be consulted. The amount deducted must be equal to the employee's salary for the number of hours or days of suspension had a suspension been imposed. When a financial penalty is imposed in lieu of a suspension, the employee and union representative must be notified.

Demotion is an action taken by the RCMP to appoint an employee to a position at a lower maximum rate of pay and is an alternative to a disciplinary termination of employment. Demotion should be used when the manager is of the opinion that, despite the misconduct, the employee is still suitable for continued employment.

Termination of employment is termination of an employee from the public service for reasons of misconduct when the offence is so serious that it renders the employee unfit for continuing his/her employment, or the offence constitutes a culminating incident that clearly indicates that the employee cannot be rehabilitated. Before recommending a termination of employment, the divisional Public Service Human Resources Advisor must be consulted.

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Stage 8.0 Member Respondent				
#	Task	Task Owner	Action / Narrative	Links / References
8.1	Determine if evidence supports a prima facie finding of misconduct	Decision Maker	<p>Determine whether or not the information in the final investigation report supports a <i>prima facie</i> finding that a member respondent’s conduct amounts to a contravention of the Code of Conduct.</p> <p>A <i>prima facie</i> finding exists where, based on a presumption that the information obtained during the investigation is accurate, there is sufficient information available to find the essential elements of the alleged contravention of the Code of Conduct are established. This presumption may be rebutted by the representations made by the member respondent during the conduct meeting process.</p> <p>If a decision maker believes the allegation is not established on a <i>prima facie</i> case, or that the conduct is a performance issue, or that another form of administrative action may be appropriate under the circumstances, provide the member respondent and complainant and managers a copy of the final written decision (Annex E) and initiate the other action, or refer the case to the employee’s supervisor or manager..</p>	<p>Conduct Policy s. 7.2.1.1. Conduct policy s. 7.2.1.1.1 Conduct Policy s. 7.2.1.3</p>
8.2	Determine if conduct measures available are sufficient	Decision Maker	<p>If a decision maker is of the opinion that the conduct measures available would be insufficient, having regard to the gravity of the contravention and to the surrounding circumstances, the decision maker must initiate a conduct hearing and consult with the harassment advisor before initiating the hearing. Proceed to Stage 8.3</p> <p>If the decision maker is satisfied that the available conduct measures would be sufficient, provide a written Notice of a Conduct Meeting to the member respondent. See Stage 8.2.1</p>	<p>Conduct policy 7.2.1.5 and 7.2.1.7</p>

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Stage 8.0 Member Respondent				
#	Task	Task Owner	Action / Narrative	Links / References
8.3	Initiate a Conduct Hearing	Decision maker	<p>If a decision maker is of the opinion the conduct measures available would be insufficient, having regard to the gravity of the contravention and to the surrounding circumstances, the decision maker must initiate a conduct hearing and consult with the OCHC and/or National Conduct Advisor before initiating the hearing. Proceed to Stage 8.3.1.</p> <p>The proceedings before the conduct board are dealt with in accordance with the CSO (Conduct) and the RCMP Act. See Stage 8.3.2 Practice and Procedures.</p>	Conduct policy 7.2.1.6
8.4	Advise of conduct measure	Harassment Advisor	The harassment advisor will advise the complainant of the conduct measure imposed, if any, at Stage 8.2 or 8.3.	
8.5	Provide updates to parties and managers	Harassment Advisor	The harassment advisor will provide an update on the status of the harassment investigation and resolution process to the complainant, respondent and their respective managers, unless extenuating circumstances exist, every 30 days.	
8.6	Conclude the ACMT file	Harassment Advisor	The HA will conclude the case as per the ACMT User Manual.	
8.7	Create task for OCHC review	Harassment Advisor	After the file has been concluded, the HA will create and assign a task to the OCHC to advise of the case conclusion.	
8.8	Create task for OCHC to advise of appeal	Harassment Advisor	If required, the HA will create and assign a task to the OCHC to advise if the case has been appealed, 14 days for a Member.	

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Stage 8.2.1 Notice of Conduct Meeting				
#	Task	Task Owner	Action / Narrative	Links / References
8.2.1.1	Provide member respondent with written notice of conduct meeting	Decision Maker	<p>Provide a written Notice of Conduct Meeting to the member respondent.</p> <p>A copy of the decision, including the written decision of a conduct board, must be served on the parties and include a statement of the decision maker’s findings, reasons for the decision and whether any conduct measures are imposed, and, in the case of the respondent, a statement setting out any conduct measures that may have been imposed.</p> <p>Note: There will be two forms of the decision – one for the complainant (conduct measure quanta NOT included) and one for the respondent (conduct measure quanta included).</p>	Conduct policy 7.2.1.5 and 7.2.1.7
8.2.1.2	Objection to a decision maker	Member Respondent	A member respondent may object to having the decision maker who issued the Notice of Conduct Meeting take further action in the matter, by notifying the decision maker in writing.	Conduct policy s. 8.1
8.2.1.3	Provide written submissions	Member Respondent	A member respondent may make representations to either respond to the case and/or with respect to the appropriate measure to be imposed. Proceed to Stage 8.2.1.3.1	Conduct policy s. 9.2.2.1
8.2.1.4	Review written submissions	Decision Maker	<p>The decision maker reviews the member respondent’s written representations, if any, before the conduct meeting.</p> <p>If further investigation is warranted, order a supplemental investigation (see Stage 8.2.1.4.1) or take any action deemed appropriate.</p> <p>Consider rescheduling the conduct meeting if necessary.</p>	Conduct policy s. 9.2.1
8.2.1.5	Convene conduct meeting	Decision maker	A decision maker will make every reasonable attempt to adhere to a 30 day timeline between the time the investigation report is received and the time the conduct meeting(s) is concluded (including the	Conduct policy s. 9.1

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Stage 8.2.1 Notice of Conduct Meeting				
#	Task	Task Owner	Action / Narrative	Links / References
			<p>imposition of conduct measures, if any). All delays must be documented and the reasons.</p> <p>Convene a conduct meeting to provide the member respondent with an opportunity to make representations in relation to the alleged contravention(s) of the Code of Conduct and in relation to the possible imposition of conduct measures. If necessary more than one meeting may be held in order to resolve the case.</p>	
8.2.1.6	Provide oral representations	Member respondent	May provide oral representations to respond to the allegation and conduct measure.	Conduct policy s. 9.2.2.1
8.2.1.7	Determine whether or not allegation(s) is established	Decision maker	<p>After receiving and considering the member respondent’s representations, a decision maker must determine whether or not each alleged contravention of the Code of Conduct is established on a balance of probabilities.</p> <p>Consult with the harassment advisor to obtain guidance with respect to the establishment of the allegation.</p> <p>Inform the member respondent of the decision with respect to each allegation setting out the reasons (this can be done orally, at the end of the conduct meeting but the reasons will have to be included in the Record of Decision).</p>	<p>Conduct policy s. 9.2.1.3</p> <p>Conduct policy s. 9.2.1.4</p>
8.2.1.8	Provide advice and guidance to decision maker	Harassment Advisor	<p>Provide advice to the decision maker before a determination or a finding is made by the decision maker on the allegation and on the appropriate conduct measures in the circumstances.</p> <p>Monitor timelines and limitation period.</p>	Conduct policy s. 9.2.3.1
8.2.1.9	Complainant representation	Decision maker	If the decision maker considers it appropriate under the circumstances, a decision maker may obtain representations from the complainant or victim relative to the established allegation.	Conduct policy s. 9.2.1.9

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Stage 8.2.1 Notice of Conduct Meeting

#	Task	Task Owner	Action / Narrative	Links / References
8.2.1.10	Imposing conduct measures	Decision maker	Prior to imposing conduct measures, a decision maker must consult with the harassment advisor regarding the measures available. Impose such conduct measures (see Stage 8.2.1.10.1) as deemed appropriate to meet the objectives set out under the Act, and with consideration of the representations made pursuant to s. 45.57 of the Act.	Conduct policy s. 9.2.1.10 CSOs (Conduct) s. 4
8.2.1.11	Provide member respondent with written decision	Decision maker	Provide Record of Decision, no later than 7 days after the final conduct meeting, giving the reasons in support of the findings regarding the allegation(s), and the conduct measures imposed, if any. Complete an affidavit of service.	
8.2.1.12	Right to appeal	Member respondent	A member respondent may appeal the decision maker’s decision. See Stage 10.0 .	CSO (Grievances and Appeals) Conduct policy s. 12.2.1

Stage 8.2.1.3.1 Respondent Member’s Written Representations

#	Task	Task Owner	Action / Narrative	Links / References
8.2.1.3.1.1	Provide written submissions	Member Respondent	<p>A Member respondent may make representations to either respond to the case and/or with respect to the appropriate measure to be imposed.</p> <p>Oral and/or written submissions by the member respondent may include:</p> <ol style="list-style-type: none"> 1) whether or not the member respondent accepts that the conduct amounts to a contravention of the Code of Conduct; 2) mitigating factors or considerations; or 3) those aspects of the case or evidence that the member respondent contests and the supporting reasons. <p>If a member respondent intends to make representations at the conduct meeting on any matter with significant legal issues, including Charter arguments, significant disputes of fact, or unusually complex arguments, the member respondent must provide an outline of the arguments in writing to the decision maker before the conduct meeting.</p> <p>May request from the decision maker, extension of time to file submissions.</p>	Conduct policy s. 9.2.2.1

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Stage 8.2.1.4.1 Supplemental Investigation

#	Task	Task Owner	Action / Narrative	Links / References
8.2.1.4.1.1	Request for supplemental investigation	Decision Maker	Before a decision maker determines whether or not the allegation(s) is established, they may at any time during the harassment complaint and resolution process, direct that supplemental investigation be undertaken if the decision maker deems it necessary.	Conduct policy s. 10.1 CSOs (Conduct)s. 19(5)
		Member Respondent	A member respondent requesting further investigation into the matter may present a request to a decision maker as the case may be.	Conduct policy s. 10.3
8.2.1.4.1.2	Complete supplemental investigation	Investigator	The investigator must make every reasonable effort to comply with a decision maker or conduct board's direction within seven (7) days after the direction is issued	Conduct Policy, s.10.6
8.2.1.4.1.3	Review supplemental investigation	Decision Maker	Review, within 7 days of receipt, and provide the member respondent and the decision maker, if applicable, with a copy of any supplemental investigation.	Conduct Policy, s.10.7
8.2.1.4.1.4	Written submissions	Member Respondent and Decision Maker (if applicable)	May provide written submissions, within 7 days of receipt.	

Stage 8.2.1.10.1 Conduct measures

Remedial measures are:

- (a) admonishment;
- (b) direction to work under close supervision for a period of not more than one year;
- (c) direction to undergo training;
- (d) direction to undergo medical treatment as specified by a Health Services Officer;
- (e) direction to receive counselling or complete a rehabilitative program;
- (f) direction to complete a program or activity;
- (g) removal, restriction or modification of duties as specified by the person for a period of not more than one year;
- (h) reassignment to another position not involving a relocation or demotion;
- (i) written reprimand;
- (j) financial penalty of not more than eight hours of the member’s pay, deducted from the member’s pay.
- (k) the imposition of any other remedial conduct measure, other than a financial penalty, as agreed upon by the Decision maker and the member respondent.

Corrective measures are:

- (a) ineligibility for promotion for a period of not more than one year;
- (b) deferment of pay increment for a period of not more than one year;
- (c) suspension without pay from duty for a period of not more than 80 hours;
- (d) financial penalty of not more than 80 hours of the member’s pay deducted from the member’s pay;
- (e) forfeiture of annual leave for a period of not more than 80 hours;
- (f) any combination of the measures referred to in paragraphs (c) to (e) totaling not more than 80 hours.

No suspension without pay, forfeiture of pay, forfeiture of annual leave, forfeiture of lieu time off, or any combination of these measures imposed by a decision maker designated to impose corrective measures may exceed 10 days loss of the member respondent’s pay.

Stage 8.2.1.10.1 Conduct measures

Serious measures are:

- (a) removal, restriction or modification of duties as specified by the person for a period of not more than three years;
- (b) ineligibility for promotion for a period of not more than three years;
- (c) deferment of pay increment for a period of not more than two years;
- (d) reduction to the next lower rate of pay for a period of not more than two years;
- (e) demotion in rank or level for a period of not more than three years;
- (f) demotion in rank or level;
- (g) transfer to another location;
- (h) suspension without pay from duty;
- (i) forfeiture of annual leave for a period of not more than 160 hours;
- (j) financial penalty deducted from the member's pay.

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Stage 8.3.1 Initiate a Conduct Hearing

#	Task	Task Owner	Action / Narrative	Links / References
8.3.1.1	Initiate conduct hearing via Notice to Designated Officer	Decision Maker	When the conduct measure provided for in the rules are insufficient, having regard to the gravity of the contravention and to the surrounding circumstances, initiate a conduct hearing into the alleged contravention by notifying the designated officer as soon as feasible. Consult with the Harassment Advisor before initiating a conduct hearing.	RCMP Act s. 41(1)
8.3.1.2	Limitation/ prescription period	Decision Maker	A decision maker must not impose conduct measures in respect of a contravention of the Code of Conduct after the expiry of one year from the time the contravention and the identity of the member respondent became known to the decision maker that investigated the contravention, or caused it to be investigated. See s. 42(2), <i>RCMP Act</i> EXCEPTION: The decision maker may request the Commissioner for an extension of the time limit. A request for an extension must be forwarded to the Director General, Workplace Responsibility Branch. If the Commissioner is satisfied that the circumstances justify an extension, the Commissioner may extend the time limit for completing the conduct process, including imposing measures. See s. 47.4., <i>RCMP Act</i>	RCMP Act s. 41(2) RCMP Act s. 47.4 Conduct policy s. 9.1.5
8.3.1.3	Appoint Board members	Designated officer (DO)	DO appoints one or more persons as members of a conduct board.	RCMP Act s.43(1)
8.3.1.4	Notice of Conduct Hearing	Decision Maker	Serve the member respondent with a notice, in writing, informing that a conduct board has been appointed. Proceed to Stage 8.3.1.4.1.	RCMP Act s. 43 (2) and (3)
8.3.1.5	Objection to conduct board member	Member Respondent	May object, within 7 days of being served with a Notice of Conduct Hearing, to the DO’s appointment of any person as a member of the conduct board.	RCMP Act s. 44(1)(2)

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Stage 8.3.1.4.1. Conduct Hearing

#	Task	Task Owner	Action / Narrative	Links / References
8.3.1.4.1.1	Determine whether or not the allegation(s) is established	Conduct board	After the member respondent has had an opportunity to present their case, determine whether or not each allegation(s) of contravention of a provision of the Code of Conduct is established on a balance of probabilities.	CSO (Conduct) RCMP Act
8.3.1.4.1.2	Victim / complainant representations	Conduct board / Decision maker	A conduct board may receive representations from the complainant or victim if the conduct board finds it appropriate under the circumstances	Conduct policy s. 11.13
8.3.1.4.1.3	Determine appropriate conduct measure(s)	Conduct board	<p>If it is determined that one or more contraventions have been established the conduct board must impose the appropriate conduct measure(s) that is proportionate to the gravity of the misconduct, considering all aggravating and mitigating factors.</p> <p>The conduct board must impose any one or more of the following conduct measures on the member respondent:</p> <ol style="list-style-type: none"> 1) recommendation for dismissal from the Force, if the member is a Deputy Commissioner, or dismissal from the Force, if the member is not a Deputy Commissioner, 2) direction to resign from the Force and, in default of resigning within 14 days after being directed to do so, recommendation for dismissal from the Force, if the member is a Deputy Commissioner, or dismissal from the Force, if the member is not a Deputy Commissioner, or 3) one or more of the conduct measures provided for in the CSOs (Conduct). 	RCMP Act s. 36.2(e) and s. 45(4) CSOs (Conduct)
8.3.1.4.1.4	Provide written decision	Conduct board	The decision must be recorded in writing and served on the member respondent and the decision maker as soon as feasible.	RCMP Act s. 45(3)

Stage 8.3.1.4.1. Conduct Hearing

#	Task	Task Owner	Action / Narrative	Links / References
			<p>A copy of the decision, including the written decision of a conduct board, must be served on the parties and include a statement of the decision maker’s findings, reasons for the decision and whether any conduct measures are imposed, and, in the case of the respondent, a statement setting out any con- duct measures that may have been imposed.</p> <p>Note: There will be two forms of the decision – one for the complainant (conduct measure quanta NOT included) and one for the respondent (conduct measure quanta included).</p>	
8.3.1.4.1.5	Initiate Appeal Process	Member Respondent	May initiate an appeal on the decision of the conduct board. See 10.5	

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Stage 8.3.2 Practice and Procedures Before a Conduct Board

#	Practice and Procedures	Action / Narrative	Links / References
8.3.2.1	Proceedings	All proceedings before a conduct board must be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit.	RCMP Act s. 46(2) CSOs (Conduct) Conduct Board Rules of Procedure
8.3.2.2	General	<p>A conduct board will make every reasonable effort to conclude a conduct hearing within 90 days of being appointed by the designated officer.</p> <p>The conduct board may adapt these rules of procedure if considerations of fairness permit.</p> <p>The conduct board may remedy any failure to comply with these rules of procedure, including setting aside any proceeding either wholly or in part, in accordance with considerations of fairness.</p> <p>If any question arises in the proceedings that is not otherwise provided for in the Act, the Regulations or these Standing Orders, the conduct board may give any direction that is appropriate</p>	CSOs (Conduct) Conduct Board Rules of Procedure
8.3.2.3	Parties	<p>Parties to a conduct hearing are:</p> <ol style="list-style-type: none"> 1) the decision maker with delegated authority to initiate conduct hearing; and 2) the member respondent. 	RCMP Act s. 45.1(1)
8.3.2.4	Absence of member respondent	The conduct board may conduct the hearing in the absence of the member whose conduct is the subject of the hearing in the circumstances set out in the CSO (Conduct).	RCMP Act s. 45.1(8) CSOs (Conduct) s. 14
8.3.2.5	Medical examination	If the member respondent indicates that they are unable to attend the hearing for medical reasons, the conduct board may direct the member respondent to undergo a medical examination or an assessment by a qualified person specified by the conduct board to determine if the member is unable to participate in the hearing for medical reasons. If the member fails to undergo the medical	RCMP Act s. 45.1(9)

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#	Practice and Procedures	Action / Narrative	Links / References
		examination or assessment, the conduct board may conduct the hearing in the absence of the member.	
8.3.2.6	Hearing in public	A conduct hearing is held in public unless the conduct board orders that the hearing or any part of it is to be held <i>in camera</i> .	RCMP Act s. 5.1(2)
8.3.2.7	Order restricting publication	<p>The conduct board may, on its own initiative or at the request of any person, make an order directing that any of the following information shall not be published in any document or broadcast or transmitted in any way:</p> <ol style="list-style-type: none"> 1) information that could identify a complainant, a witness or a person under the age of 18; and 2) information disclosed during any part of the hearing held <i>in camera</i>. 	RCMP Act s. 45.1(7)
8.3.2.8	Representation	<p>Subject to any rules made under s. 47.1(3) of the Act, a member respondent or a decision maker may be represented or assisted by any person in any:</p> <ol style="list-style-type: none"> 1) proceeding before a board; or 2) appeal under s. 45.11(1) or (3) of the Act. 	<p>RCMP Act s. 47.1(1)</p> <p>CSOs (Conduct) s. 30 & 31</p>
8.3.2.9	Privilege	<p>If a member respondent or decision maker is represented or assisted by another person, communications passing in confidence between them in relation to proceeding or appeal are, for the purposes of this Act, privileged as if they were communications passing in professional confidence between the member or the decision maker and their legal counsel.</p> <p>If a member who is the subject of a proceeding under Part IV of the Act is represented or assisted by a staff relations representative, communications passing in confidence between them in relation to the proceeding are, for the purposes of the Act, privileged as if they were communications passing in professional confidence between the member and their legal counsel, except if disclosure of any of those communications is required by law.</p>	<p>RCMP Act s. 47.1(2)</p> <p>RCMP Regulations, 2014 s. 56 (3)</p> <p>Conduct policy s. 15.3</p>
8.3.2.10	Pre-hearing conference	A conduct board may direct the parties to participate in a pre-hearing conference, which is to be held in any manner directed by the board, for the	CSOs (Conduct) s. 16

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#	Practice and Procedures	Action / Narrative	Links / References
		<p>purpose of facilitating the timely and fair disposition of the proceedings. The parties will make every effort to resolve pertinent issues before attending a pre-hearing conference. A conduct board holding a prehearing conference must record in writing any directions, decisions, agreements or undertakings that arise from the pre-hearing conference and provide a copy of that record to each of the parties</p>	
8.3.2.11	Disclosure	<p>As soon as feasible after the conduct board has been appointed, the decision maker must provide a copy of the notice referred to in subsection 43(2) of the Act and the investigation report to the conduct board and cause to be served on the member respondent a copy of the investigation report.</p>	<p>CSOs (Conduct) s. 15 (2) RCMP Regulations, 2014 s. 57 Conduct policy s. 15.3</p>
8.3.2.12	Summons	<p>A conduct board has, in relation to the case before it, the powers conferred on a board of inquiry, in relation to the matter before it, by ss. 24.1(3)(a) to (c) of the Act.</p> <p>Within 30 days after the day on which a member respondent is served with the notice of hearing, the parties must submit to the conduct board a list of the witnesses that they would want to be summoned before the board and a list of the issues on which they may wish to rely on expert testimony.</p> <p>The board must establish a list of the witnesses that it intends to summon, including any expert in respect of whom a party has indicated an intention under subsection 19(3) to question, and may seek further submissions from the parties.</p> <p>The board must provide the parties with the list of witnesses and its reasons for accepting or refusing any witness requested by the parties.</p>	<p>RCMP Act s. 45(2) CSOs (Conduct) s 18</p>
8.3.2.13	Motions	<p>A party may bring a motion before the conduct board at any time during the proceedings.</p>	<p>CSOs (Conduct) s. 17</p>

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		<p>The board may fix a date for hearing the motion or, if considerations of fairness permit, hear it immediately.</p> <p>If the board fixes a date, the moving party must, at least 14 days before the date, provide the board and serve the other party with a notice of motion that sets out the grounds for the motion and the relief being requested and that is accompanied by any evidence to be relied upon.</p> <p>A party responding to the motion must, at least seven days before the fixed date, provide the board with and serve the other party with any evidence to be relied upon together with written submissions.</p>	
8.3.2.14	Oath	Before a person may act as conduct board member appointed under s. 43(1), <i>RCMP Act</i> , the person must take an oath (or solemn affirmation), in writing as prescribed by the Commissioner.	Conduct policy s. 16.1
8.3.2.15	Reading of the allegations	<p>At the commencement of a hearing, the conduct board must read to the member respondent each allegation of contravention of the Code of Conduct contained in the notice of the hearing and the member must admit or deny each allegation.</p> <p>If a member does not admit or deny an allegation, the member is deemed to have denied the allegation.</p>	CSOs (Conduct) s. 20
8.3.2.16	Admission/denial before the conduct board	The board may permit a member to change their position in respect of an allegation at any time before the final decision in respect of the allegation is rendered.	CSOs (Conduct) s. 20
8.3.2.17	Further information or documents	A conduct board may order a party to provide any further information or documents that the board requires to perform its role under subsection 45(1) of the Act.	
8.3.2.18	Representation of witnesses	Any person who gives evidence at the hearing can be represented by legal counsel or a representative.	RCMP Act s. 45.1(3)

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#	Practice and Procedures	Action / Narrative	Links / References
8.3.2.19	Restriction	<p>Conduct board cannot receive or accept any evidence or other information that would be inadmissible in a court of law by reason of any privilege under the law of evidence.</p> <p>Parties are not required to provide any information or documents that are protected by privilege or any communication that is protected by subsection 47.1(2) of the Act or subsection 58(3) of the Regulations.</p>	<p>RCMP Act s. 45.1(4)</p> <p>CSO (Conduct) s. 15</p>
8.3.2.20	Witness not excused from testifying	<p>In the conduct hearing, a witness cannot be excused from answering any question relating to the case before the conduct board when required to do so by the conduct board on the grounds that the answer to the questions may tend to criminate the witness or subject the witness to any criminal, civil or administrative action or proceeding.</p>	<p>RCMP Act s. 45.1(5)</p>
8.3.2.21	Member respondent not a compellable witness	<p>The member respondent is not a compellable witness at the conduct hearing but may testify if the member respondent chooses to do so.</p>	<p>RCMP Act s. 40 (2) & (3)</p>
8.3.2.22	Answer not receivable	<p>If the witness is a member, no answer or statement made in response to a question described in s. 45.1(5) shall be used or receivable against the witness under any proceeding under Part IV of the Act regarding an allegation of a contravention of a provision of the Code of Conduct by the witness, other than a proceeding regarding an allegation that with intent to mislead the witness gave the answer or statement knowing it to be false.</p>	<p>RCMP Act s. 45.1(6)</p>
8.3.2.23	Expert witness	<p>Consistent with s. 18 of the CSO (Conduct), a party to a conduct hearing may not examine an expert witness without leave of the conduct board.</p> <p>Any party intending to use an expert report must, at least 30 days before the hearing, submit it to the conduct board and serve it on the other party.</p> <p>A party served with an expert report must, within 14 days after the day on which</p>	<p>CSOs (Conduct) ss. 18, 19</p>

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#	Practice and Procedures	Action / Narrative	Links / References
		they receive it, notify the board and the other party of their intention, if any, to question the expert or to obtain a responding expert report. The board must determine when a responding expert report may be submitted.	
8.3.2.24	Submissions to the conduct board		
8.3.2.25	Adjournment	The conduct board may, if necessary, adjourn the hearing for up to 30 days or, in exceptional circumstances, for longer.	CSOs (Conduct) s. 21
8.3.2.26	Recording of proceedings	A hearing before a conduct board must be recorded and, at the request of a party who is appealing a decision of the board, a transcript of the hearing must be prepared and given to them.	CSOs (Conduct) s. 22
8.3.2.27	Record of conduct proceedings	The conduct board must compile a record at the conclusion of the hearing, Including: (a) the notice of hearing referred to in subsection 43(2) of the Act; (b) the notice served on the member respondent of the place, date and time of the hearing; (c) a copy of any other information provided to the board; (d) a list of any exhibits entered at the hearing; (e) the directions, decisions, agreements and undertakings, if any, referred to in subsection 16(2); (f) the recording and the transcript, if any, of the hearing.	CSOs (Conduct) s. 26
8.3.2.28	Exhibits	Unless the conduct board decides otherwise, it must return any exhibits that it received to the parties who tendered the exhibits, after the end of the period in which an appeal may be presented, or, if an appeal has been presented, after the disposition of the appeal.	CSOs (Conduct) s. 27
8.3.2.29	Decision on allegations	At the conclusion of the hearing the conduct board must render a decision as soon as feasible.	CSOs (Conduct) s. 25

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#	Practice and Procedures	Action / Narrative	Links / References
		If no testimony is heard in respect of an allegation, the conduct board may make a decision in respect of the allegation based solely on the written material before it.	CSO Conduct s. 23
8.3.2.30	Decision on conduct measures	<p>In determining the appropriate conduct measures to impose, the conduct board may receive oral submissions and written material from the parties and hear any witness.</p> <p>The conduct board must impose conduct measures that are proportionate to the nature and circumstances of the contravention of the Code of Conduct.</p>	CSOs (Conduct) s. 24
8.3.2.31	Taking effect of decision	<p>At the conclusion of the hearing the conduct board must render a decision as soon as feasible.</p> <p>An oral decision rendered in the presence of the member respondent takes effect immediately. If the decision is not rendered orally, or is rendered orally in the absence of the member respondent, it takes effect as soon as the decision is served on the member.</p>	CSOs (Conduct) s. 25
8.3.2.32	Supplemental Investigation	See Stage 8.2.1.4.1 Supplemental Investigation	

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Stage 9.0 Review Authority				
#	Task	Task Owner	Action / Narrative	Links / References
9.1	Review of a conduct authority’s decision	Review authority	A review authority may review a decision if it is in the public interest to do so and must provide the Commissioner with reasons for deciding whether or not to review the decision.	CSOs (Conduct) s. 9
9.2	Test for review	Review authority	<p>A review authority may:</p> <p>1) rescind any finding made by a conduct authority that the subject member has not contravened the Code of Conduct if that finding is clearly unreasonable, substitute for that finding a finding that the member respondent has contravened the Code of Conduct and impose any one or more of the measures referred to in subsection 5(1) of the CSO (Conduct) that is proportionate to the nature and circumstances of the contravention;</p> <p>2) rescind or amend any conduct measure imposed by a conduct authority, or substitute another measure for it, if the imposed conduct measure is clearly disproportionate to the nature and circumstances of the contravention; or</p> <p>3) initiate a hearing in accordance with subsection 41(1) of the Act.</p>	CSOs (Conduct) s.9
9.3	Notice to member respondent	Review authority	If a review authority is considering substituting another finding for one that was made by the conduct authority, amending any imposed conduct measure or substituting another measure for one that was imposed by the conduct authority, the review authority must cause to be served on the member respondent a notice informing the member of this consideration.	CSO (Conduct) s. 10

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Stage 9.0 Review Authority				
#	Task	Task Owner	Action / Narrative	Links / References
9.4	Provide submissions	Member respondent	The member may, within 14 days after the day on which they are served with the notice, provide the review authority with written submissions	CSO (Conduct) s. 10 (2)
9.5	Decision	Review authority	<p>The review authority must make a decision as soon as feasible after considering the member respondent’s submissions, and cause a copy of it to be served on the member.</p> <p>If the review authority affirms the finding of the conduct authority the review authority may include reasons with the decision, but, if the review authority makes a decision under paragraph 9(3)(a) or (b) of the CSO (Conduct) the reasons for the decision must be included.</p> <p>The decision takes effect as soon as it is served on the member respondent.</p>	CSOs (Conduct) s. 11
9.6	Right of appeal of a review authority’s decision	Member respondent	A member respondent may appeal, within 14 days, a review authority’s decision. Submit a completed form to the Office for the Coordination of Grievances and Appeals (OCGA).	CSOs (Grievances and Appeals)

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Stage 10.0 Appeal of Decision Maker’s Decision

#	Task	Task Owner	Action / Narrative	Links / References
10.1	Appeal	Member Respondent	<p>A member respondent may appeal to the Commissioner the decision of a conduct authority, regarding:</p> <ol style="list-style-type: none"> 1) Any finding that an allegation of a contravention of a provision of the Code of Conduct by the subject member is established; or 2) Any conduct measure imposed in consequence of a finding that an allegation referred to in paragraph (1) is established. <p>The filing of an appeal does not stay the enforcement of a decision by a conduct authority.</p>	<p>CSOs (Conduct) s. 43</p> <p>Conduct policy s. 12.2.1</p>
10.2	Time to file appeal	Member Respondent	An appeal may be instituted 14 days after the day the member respondent is served with the conduct authority’s decision.	CSOs (Grievances and Appeals)
10.3	Initiate appeal	Member Respondent	Submit a completed appeal form, to the Office for the Coordination of Grievances and Appeals (OCGA).	

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Stage 10.1 Appeal of Temporary Reassignment

#	Task	Task Owner	Action / Narrative	Links / References
10.1.1	Right of appeal	Member respondent	A member respondent may appeal the conduct authority’s decision to reassign the member respondent to other duties during the conduct process, in accordance with the <i>Commissioner’s Standing Orders (Conduct)</i> , the <i>Commissioner’s Standing Orders (Grievances and Appeals)</i> , and the Grievances and Appeals Policy	CSO (Conduct) s.32 CSO Grievances and Appeals Conduct Policy s. 12.4.1
10.1.2	Initiate appeal	Member respondent	Submit a completed appeal form to the Office for the Coordination of Grievances and Appeals (OCGA).	Grievances and Appeals Policy

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Stage 10.2 Appeal of Notice of Suspension

#	Task	Task Owner	Action / Narrative	Links / References
10.2.1	Right of appeal	Member respondent	A member respondent may appeal a person’s decision to suspend the member respondent under s. 12, <i>RCMP Act</i> , in accordance with the <i>Commissioner’s Standing Orders (Conduct)</i> , the <i>Commissioner’s Standing Orders (Grievances and Appeals)</i> , and the Grievances and Appeals Policy	CSOs (Conduct) s.32CSO Grievances and Appeals Conduct Policy s. 12.5.1
10.2.2	Initiate appeal	Member respondent	Submit a completed appeal form, to the Office for the Coordination of Grievances and Appeals (OCGA).	Grievances and Appeals Policy

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Stage 10.3 Appeal of an Order of Stoppage of Pay and Allowances

#	Task	Task Owner	Action / Narrative	Links / References
10.3.1	Right of appeal	Member respondent	A member respondent may appeal a person’s decision to order the stoppage of pay and allowances of the member respondent under s. 22(2)(b), <i>RCMP Act</i> , in accordance with the <i>Commissioner’s Standing Orders (Conduct)</i> , the <i>Commissioner’s Standing Orders (Grievances and Appeals)</i> , and the Grievances and Appeals Policy	CSOs (Conduct) s32 CSO Grievances and Appeals Conduct policy s. 12.6.1
10.3.2	Initiate appeal	Member respondent	Submit a completed appeal form to the Office for the Coordination of Grievances and Appeals (OCGA).	Grievances and Appeals policy

Stage 10.5 Appeal of a Conduct Board Decision by a Member Respondent or Decision maker

#	Task	Task Owner	Action / Narrative	Links / References
10.5.1	Appeal	Decision maker / Member respondent	<p>May appeal the decision of a conduct board to the Commissioner in respect of:</p> <ol style="list-style-type: none"> 1) any finding that an allegation of a contravention of a provision of the Code of Conduct by the member respondent is established; or 2) any conduct measure imposed in consequence of a finding that an allegation referred to in paragraph (a) is established. <p>An appeal may be instituted pursuant to s. 45.11(1) of the Act by filing with the Commissioner a statement of appeal in writing setting out the grounds on which the appeal is made and any submissions in support.</p> <p>An appeal must be instituted within 14 days after the party appealing is served with a copy of the conduct board’s written decision.</p> <p>Where a party to a conduct hearing has submitted an appeal to the Commissioner, the Commissioner must cause the other party to the conduct hearing to be served with a copy of the statement of appeal within 7 days of receiving the statement of appeal.</p> <p>A party who is served with a copy of the statement of appeal may, within 14 days after the day the party is served with the statement of appeal, file with the Commissioner written submissions in reply, and if the party does so, the Commissioner must cause the party appealing to be served with a copy of the written submissions within 7 days after receiving the written submissions.</p> <p>The party presenting the appeal may make further submissions in rebuttal within 7 days of receiving the written submissions provided by the other party.</p>	<p>RCMP Act s. 45.11(1)</p> <p>CSO (Conduct) s. 44</p> <p>Conduct Policy s. 15.2</p>

Stage 10.5 Appeal of a Conduct Board Decision by a Member Respondent or Decision maker				
#	Task	Task Owner	Action / Narrative	Links / References
10.5.2	Initiate appeal	Decision maker / Member respondent	Submit a completed appeal form to the Office for the Coordination of Grievances and Appeals (OCGA).	