fauw
Faculty Association of
the University of Waterloo

Complaints Procedure

Proceedings under this Complaints Procedure shall be guided by the principles of natural justice.

Purpose

This procedure ensures that complaints made under the FAUW Code of Conduct or FAUW Harassment & Discrimination Policy by a FAUW member or a FAUW staff member are addressed promptly and fairly.

The goal of this Procedure is to maintain professional and respectful relationships, rather than establishing rules for punishment.

Complaint Options

Complaints under FAUW's Code of Conduct, including FAUW's Harassment & Discrimination Policy, can be made formally or informally, at the discretion of the Complainant. An informal complaint may be presented in writing or may be presented and discussed without a formal written record. If the Complainant is dissatisfied with the resolution of an informal complaint, the Complainant may subsequently lodge a formal complaint. A formal complaint must be presented in writing and may follow an informal complaint.

Filing a Complaint

The individual who is to receive the complaint is referred to here as the FAUW Contact for the complaint.

The FAUW Contact is normally the FAUW Executive Director. If the complainant is the Executive Director, the FAUW Contact can be either the FAUW President or Vice-President. If the complaint involves both the Executive Director and President, any FAUW Director can serve as FAUW Contact.

Any complaint where FAUW staff would be the respondent is to be handled instead by the Executive Director under the University's Policy 18.

The complainant may withdraw their complaint at any point in the process.

Disciplinary Penalties

The Board may impose disciplinary penalties on any member who is the subject of a formal complaint, if the Investigation or Appeal Panel determines that the complaint is founded in whole or in part. Disciplinary penalties are:

a) A reprimand;
b) Ineligibility to be recommended as a representative for a committee;
c) Suspension for a defined time from active involvement in committees and activities; or
d) Expulsion from active involvement in committees and activities.

Suspension or expulsion of a voting member does not disenfranchise the member with respect to Association votes, nor does it affect the reception of or eligibility for services from the Association. Suspended or expelled members may not attend Association meetings or serve on committees. Expelled members may additionally not serve on the Board.

Penalties assigned to non-voting members may be held in abeyance.

Informal Complaints Process

The FAUW Contact in an informal complaint shall assess the merits of the complaint and appoint an un-implicated FAUW Officer to resolve the complaint expeditiously, consulting with the Complainant, Respondent, and others, as needed.

- Following an assessment of the complaint, the un-implicated FAUW Officer may take steps such as:
    - A decision that the complaint would not constitute a violation of the Code of Conduct, if all of the alleged facts are true;
    - A discussion with complainant and respondent individually; or,
    - A joint discussion with the complainant and respondent.
- If the informal complaint proceeds, the Respondent will be advised that the complaint is informal, the nature of the complaint, the proposed remedy, and the proposed steps for informal resolution.
- The FAUW Officer will communicate the outcome, including the suggested resolution, to the Complainant and Respondent. An informal resolution may include, but is not limited to:
    - an apology;
    - a withdrawal of a statement; or,
    - an undertaking to take training.

The Conflict Management Office can provide support in reaching an informal resolution. If the informal complaint is not resolved to the satisfaction of the Complainant, the Complainant may file a formal written complaint.

The informal complaints process does not prejudice any formal process that may succeed it.

No records shall be kept of complaints that are made and resolved informally.

Formal Complaints Process

To properly address formal allegations of any breach of the FAUW Code of Conduct between FAUW members and/or FAUW staff, the Association will endeavor to maintain a roster of 10-15 members selected by the Nominations and Elections Committee. These members must be familiar with the FAUW Complaints Process, maintain confidentiality, and ensure procedural fairness in accordance with the Complaints Process. They must also have anti-harassment, anti-discrimination, and dispute resolution training, to be provided (if needed) through the resources of the Association.

For each complaint, an Investigation Panel shall be struck comprising three members from the roster, as described below. Members cannot simultaneously sit on both the Investigation Panel and the Appeals Panel (should an appeal be filed) for the same complaint. However, a member may sit on the Investigation Panel for one complaint and the Appeals Panel for another.

A Complainant or Respondent may request the recusal of a member of the Investigation Panel or Appeals Panel due to an alleged conflict of interest. Such recusal will be the decision of the respective Panel, but the request will not be unreasonably denied. In the case of recusal, a new individual from the roster will be chosen. Otherwise, the Panel will proceed with the complaint.

Step 1 of the Formal Complaints Process: Reporting

1.1 Where a represented member or FAUW staff believes a represented member has acted in violation of the FAUW Code of Conduct, they have 20 working days from when they knew or ought to have known that the misconduct last occurred to file a complaint in writing with the FAUW Contact. For a complaint pertaining to harassment and discrimination, a Complainant has one year instead of 20 working days.

The complaint must include:

i. the details of the allegations, including the names of the Complainant, Respondent, and any witnesses;
ii. how the actions violate the FAUW Code of Conduct.

The Complainant may also identify another represented member of FAUW, or, in the case of a FAUW staff Complainant, a colleague, who will act on their behalf.

Step 2 of the Formal Complaints Process: Formation of Investigation Panel and Screening

2.1 Once the written complaint is confirmed by the FAUW Contact to be a formal complaint, the FAUW Contact will ask the Chair of the FAUW Nominations and Elections Committee to form a Panel from the pool.

Once the Investigation Panel is formed, the members on the Panel will choose a Chair to lead meetings and decide on the timeliness of complaints. The Investigation Panel has discretion over whether to hear a complaint that is filed beyond the relevant window.

2.2 The Investigation Panel will first look at the complaint to see whether it should continue in the Complaints Process. In doing so, the Investigation Panel must consider all the information they have before them but will not inform the Respondent or witnesses. They will first decide whether the complaint should move forward to further investigation, or be dismissed, should the complaint be:

i. frivolous,
ii. vexatious,
iii. in bad faith,
iv. arbitrary,
v. untimely, or
vi. having no reasonable prospect of success.

As part of its consideration, the Panel shall decide whether the complaint would constitute a violation of the Code of Conduct, should all of the alleged facts be true.

2.3 Where a complaint is to be dismissed, the Investigation Panel must fully articulate and provide its reasons in writing to the Complainant. The Investigation Panel must also provide the Complainant with an opportunity to make a further

written submission arguing against dismissal, providing a reasonable timeline for re-submission.

2.4 Information collected during an investigation will not be used for any other purpose by the Association, except in cases of litigation or staff discipline.

Step 3 of the Complaints Process: Dispute Resolution

3.1 If the Investigation Panel decides that the complaint will proceed, the Panel Chair will notify the Respondent of the allegations in writing within five working days.

3.2 FAUW aims to have matters resolved cooperatively, expeditiously, and efficiently. As a general rule, the Investigation Panel will suggest informal dispute resolution as a first step, by referring the Complainant and Respondent to internal mediation with trained FAUW representative(s). At mediation, the Complainant and Respondent may each be accompanied by a support person of their choice.

3.3 Informal dispute resolution through mediation may also be recommended by the Investigation Panel at later stages in the Complaints Process. Such informal dispute resolution shall not be provided by any member of the Investigation Panel.

3.4 Should a complaint fail to resolve at the dispute resolution stage, it will move onto the Investigation and Decision stage.

Step 4 of the Complaints Process: Investigation and Decision

4.1 The Investigation Panel will determine how much more information it needs to sufficiently decide on the complaint. The Investigation Panel is empowered to call Witnesses, conduct interviews, and gather evidence. Any Witness called by the Panel must sign the Confidentiality Agreement (Appendix A of this Procedure) to participate in the process. Note that the Agreement does not bind the Witness to keeping confidential anything they knew prior to participating in the process. An individual who signs and then breaches the Confidentiality Agreement may be subject to disciplinary penalties, as permitted under Article 14 of the FAUW Constitution.

4.2 If the Investigation Panel decides to interview the Complainant or the Respondent, these may be accompanied to the interview by a support person of their choice.

4.3 Once the Investigation Panel believes it has contacted sufficient relevant Witnesses and collected enough information, it will provide the full extent of the evidence it has collected to the Respondent, and allow them ten working days to respond to the evidence. If the Respondent chooses to respond to the evidence orally, they may be accompanied by a support person of their choice. After hearing the response, the Investigation Panel will decide upon the complaint through a majority vote.

4.4 The investigation is expected to conclude within 90 calendar days. At the expiry of this time period, should the investigation remain ongoing, the Panel shall provide a written update to the Complainant and Respondent, along with an expected timeline for completion no longer than an additional 90 calendar days. A copy of the update will be provided to the FAUW Contact and a copy will be kept in FAUW files for archiving following the University's Records Classification and Retention Schedules.

4.5 If the complaint is upheld at least in part,

> **4.5.1** The Investigation Panel will, within five working days, draft a report detailing in writing its decision and reasoning and recommending specific disciplinary penalties. In the event of a non-unanimous decision, the minority shall also provide its reasoning and recommendation. The Panel will send the draft report to the Complainant and the Respondent. The report will be sent to the FAUW Contact, for transmittal to the voting members of the FAUW Board, excluding any implicated FAUW Board members or staff.
>
> **4.5.2** As the body responsible for managing the affairs of the Association, and under the authority of Article 14 of the FAUW Constitution, the FAUW Board will review the Panel's report, along with any responses to the report that it has received from the Complainant and the Respondent, in confidence. The Board will determine disciplinary penalties to impose on the Respondent, normally following the recommendation of the Panel. Such disciplinary penalties will be scheduled to take effect 15 working days from the date of the Board's decision.
>
> **4.5.3** As soon as practicable but within at most five working days of the Board decision, the FAUW Contact will transmit the Panel's report, along with a Decision Letter from the FAUW Board, to both the Complainant and Respondent. The Decision Letter builds on the Panel report and includes the reasoning of the Board and any penalties imposed, as well as the vote tallies for relevant motions, if there is a recorded division. It will include a list of all

FAUW Board members and staff who have been privy to the report and/or discussion. A copy of the Letter will be kept in FAUW files for archiving following the University's Records Classification and Retention Schedules.

4.6 If the complaint is not upheld, then within five working days of coming to that decision, the Investigation Panel will send the Complainant and Respondent a Decision Letter detailing in writing its decision and reasoning. The Investigation Panel will notify the Board that a complaint has been made and not upheld. A copy of the letter will be provided to the FAUW Contact and a copy will be kept in FAUW files for archiving following the University's Records Classification and Retention Schedules.

4.7 All communication and discussions within and between the Panel and the Board will be held in confidence. However, a Respondent or Complainant may share the Decision Letter and Panel report from a complaint which they were involved in. In that case, the Association (through the Executive Director) will, upon request, confirm the authenticity of a Decision Letter and Panel report shared by a Respondent or Complainant.

Step 5 of the Complaints Process: Appeal

5.1 The Complainant or Respondent may wish to appeal a decision of the Investigation Panel. Decisions may be appealed on the following three grounds:

1) there was a material procedural error;
2) new evidence which may affect the original decision has become available;
3) the decision of the Investigation Panel was not in accord with the principles of natural justice.

In such a case, the FAUW Contact will ask the NEC Chair to form an Appeals Panel. Any disciplinary penalties will be held in abeyance until the Board considers the report of the Appeals Panel.

5.2 An appeal must be filed within 10 working days of receipt of the Decision Letter. The Appeals Panel retains the discretion to allow an appeal outside of this limitation period where extraordinary circumstances are present.

5.3 Once the Appeals Panel for a complaint is formed, the members on the Panel will choose a Chair to lead meetings. Decisions of the Appeals Panel are by majority vote. The Appeals Panel has discretion over whether to hear a complaint that is filed beyond the 10-day window.

5.4 The Appeals Panel will review the decision of the Investigation Panel using the material that was before the Investigation Panel, along with written submissions from the Complainant or Respondent, if provided. The Appeals Panel may:

a) dismiss the appeal; or,
b) hear the appeal.

5.5 The Appeals Panel will draft a report making recommendations to the FAUW Board to review the process, findings, or penalty. It may propose a different penalty, findings, or the formation of a new Investigation Panel to rehear the complaint. The report will be sent to the FAUW Contact for transmittal to the voting members of the FAUW Board, excluding any implicated FAUW Board members or staff.

5.6 The FAUW Board will review the Appeals Panel's report. The FAUW Board will undertake a directed reconsideration of its initial decision and implement any necessary actions. Normally, it will follow the recommendations of the Appeal Panel. Within five working days of the Board decision on the Appeal Panel's report, the FAUW Contact will transmit the Appeals Panel's report along with an Appeals Decision Letter from the FAUW Board to both the Complainant and Respondent. A copy of this communication will be shared with the FAUW Contact, and a copy will be kept in FAUW files for archiving following the University's Records Classification and Retention Schedules. The Association (through the Executive Director) will, upon request, confirm the authenticity of Appeals Decision Letters and Appeals Panel reports.

Re-opener

After the first formal dispute resolution process has concluded, this procedure will be reviewed by a task force appointed by the Board, provided with the reports produced, and empowered to consult with participants in the process. The task force will keep all information that is provided to it confidential to itself and the Board. It may recommend amendments to this procedure, which are to be considered by the Board.

Approved by the FAUW Board of Directors October 23, 2026

Policy Version Control

Approval Date	Summary of Changes	Approving Body
October 23, 2026	New Procedure	FAUW Board of Directors

APPENDIX A: Witness Confidentiality Agreement

"I, _____, solemnly declare that I will, to the best of my abilities, keep information confidential that I come to learn throughout the course of the Complaints Process, including the existence of the complaint.

I understand that should the Association learn that I revealed confidential material relating to a complaint, I may be subject to disciplinary penalties under Article 14 of the FAUW Constitution.

The integrity of the Association's investigative process must be preserved. Confidentiality ensures that individuals in the Association are not dissuaded from coming forward with complaints of harassment. I recognize that confidentiality must be maintained during the Complaints Process to protect individuals from rumours and harassment stemming from unfounded complaints.

I understand that I am bound by confidentiality only until the Complaints Process is concluded."