



Legal Education  
Society of Alberta

## CODE OF CONDUCT AND ETHICS COMPLAINT FORM

This form is used to formally report violations of the Legal Education Society of Alberta's *Code of Conduct and Ethics* ("Code") that have not been resolved by other means. Please read and follow the attached instructions in completing this form.

### Complainant Information (Person Completing the Form)

|           |            |
|-----------|------------|
| Last Name | First Name |
| Phone     | Email      |

### Respondent Information (Person About Whom the Complaint is Being Made)

|                         |                         |
|-------------------------|-------------------------|
| Last Name               | First Name              |
| Phone (Office Use Only) | Email (Office Use Only) |

### Working Relationship Information

Please specify your connection to the Respondent:

*Please turn to page 2.*

### Initiation of Request (Office Use Only)

|                        |   |
|------------------------|---|
| Date Request Received: | Responsible Party: <input type="checkbox"/> Executive Director <input type="checkbox"/> Board Chair |
|------------------------|---|

### Resolution (Office Use Only)

|   |   |
|---|---|
| <p>Proposed resolution:</p> <p><input type="checkbox"/> Support, coaching, or assistance</p> <p><input type="checkbox"/> Mediation</p> <p><input type="checkbox"/> Formal investigation</p> <p><input type="checkbox"/> Formal review (for harassment only)</p> <p><input type="checkbox"/> Other: _____</p> <p>If a request is denied, please explain:</p> | <p>Complete this section only for matters engaging a formal investigation or review.</p> <p>Commencement (within 10 business days)</p> <p><input type="checkbox"/> Formal investigation (Executive Director)</p> <p><input type="checkbox"/> Formal investigation (Board Chair)</p> <p><input type="checkbox"/> Formal review (external investigator): _____</p> <p><input type="checkbox"/> Written confirmation sent to parties; Date: _____</p> <p>Investigation (within 45 days, where possible)</p> <p><input type="checkbox"/> Investigation complete; Date: _____</p> <p><input type="checkbox"/> Investigation report complete; Date: _____</p> <p><input type="checkbox"/> Finding; Date: _____</p> <p style="margin-left: 20px;"> <input type="checkbox"/> No violation<br/> <input type="checkbox"/> Insufficient evidence<br/> <input type="checkbox"/> Violation(s) found         </p> <p><input type="checkbox"/> Resolution plan</p> <p><input type="checkbox"/> Follow-up</p> |
|---|---|

|   |  |
|---|--|
| Other Comments (attach a separate sheet if required): |  |
|---|--|

|   |      |
|---|------|
| Executive Director or Board Chair Signature | Date |
|---|------|

## Standards of Conduct Violations

I believe the Respondent violated the following standards of conduct set out in the Code:

- |  |  |
|--|--|
| <input type="checkbox"/> Conflicts of Interest       | <input type="checkbox"/> Harassment (please specify type(s)) |
| <input type="checkbox"/> Privacy and Confidentiality | <input type="checkbox"/> Discrimination                      |
| <input type="checkbox"/> Protection of Resources     | <input type="checkbox"/> Sexual Harassment                   |
| <input type="checkbox"/> Representing LESA           | <input type="checkbox"/> Personal Harassment                 |
| <input type="checkbox"/> Diversity and Equality      | <input type="checkbox"/> Violence                            |
|  | <input type="checkbox"/> Retaliation                         |

Other (please specify):

## Supporting Statement

Please write a statement to support your complaint. Include the following information:

- What happened? What was the effect?
- Where did the conduct in question take place? Was anyone else present?
- When did the conduct in question take place? Is the conduct in question still occurring?
- What actions did you take to resolve this issue (e.g. speaking to the individual directly)? If you took action, what was the result? If you did not take action, why not?
- What other factors or circumstances are relevant?

If you need more space, please add additional pages (numbering, signing, and dating each page).

## Request

I am requesting the following to help resolve the matter:

- |   |  |
|---|--|
| <input type="checkbox"/> Support, coaching, or assistance | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Mediation                        |  |
| <input type="checkbox"/> Formal investigation             |  |
| <input type="checkbox"/> Formal review                    |  |

I confirm that I have read and understood the instructions and requirements of this form and that all the information and documentation provided in support of this application are accurate and true.

Complainant Signature

Date

## INSTRUCTIONS FOR COMPLETING THE CODE OF CONDUCT AND ETHICS COMPLAINT FORM

*Please read and follow these instructions.*

### General Information

1. **Code of Conduct and Ethics.** The Legal Education Society of Alberta (“LESA”) Code of Conduct and Ethics (“Code”) applies to LESA’s Board of Directors, employees (including the Executive Director), and others who provide services on LESA’s behalf, referred to individually and collectively as “LESA personnel”. The Code outlines principles to help LESA personnel better understand their rights and responsibilities and to position LESA to achieve its vision of excellence. A current copy of the Code can be viewed online at <https://www.lesaonline.org/code-of-conduct.asp>.
2. **Concerns about Violations.** Individuals who feel that the Code is not being observed are encouraged to act right away. Ideally, individuals should keep a record of the incident(s), dates, places, witnesses, how they responded, the effect, and other relevant facts and circumstances. Except where direct action is likely to exacerbate the concern or is otherwise inappropriate or unduly difficult, individuals are encouraged to address concerns directly with the individual involved. When concerns are adequately resolved in this way, there is no need to complete this form. For concerns raised by LESA personnel, advice or support may always be sought from a supervisor.
3. **Reporting Violations.** If addressing concerns directly with the individual involved is unsuccessful or inappropriate, Code violations may be formally reported to the Executive Director.<sup>1</sup> All reports concerning violations of the Code are investigated promptly by the Executive Director and/or an outside investigator, as appropriate.
4. **Resolving Concerns about Violations.** The Executive Director is responsible to ensure that reported violations are brought to resolution. Concerns about Code violations may be resolved by:
  - (a) **Negotiation.** Negotiation occurs when the individual with the complaint (Complainant) addresses concerns directly with the individual about whom the complaint is being made (Respondent).
  - (b) **Support, Coaching, or Assistance.** A supervisor, or neutral third party, provides the Complainant and/or the Respondent with confidential support, coaching, and assistance to resolve the matter with the other party. Potential resources (depending on the circumstances and parties involved) include LESA’s executive coach, access to LESA’s employee and family assistance program, services provided by the Alberta Lawyers’ Assistance Society (ASSIST), and the Law Society of Alberta (LSA) equity ombudsperson.
  - (c) **Mediation.** If negotiation and coaching/counseling are unsuccessful or inappropriate, the affected individual may request mediation. Mediation is a confidential conflict resolution process facilitated by a neutral third party (mediator). A mediator facilitates discussion between the parties to arrive at an agreed resolution to the conflict. The mediator does not impose a solution or make decisions for the parties. The following apply when mediation is selected:
    - (i) The parties must agree to participate in mediation and on the selection of the mediator;
    - (ii) The mediator can be an internal or external consultant (e.g. an advisor, LSA equity ombudsperson);
    - (iii) The terms of the resolution will be in writing (the mediated agreement);
    - (iv) The mediator documents the terms of the resolution, provides copies to the parties involved, and provides a sealed copy to the Executive Director for storage; and
    - (v) The mediator may, after the matter is resolved, follow up with parties to ensure the spirit of the agreement is working.
  - (d) **Formal Investigation or Review.** If negotiation, coaching/counseling, and mediation are all unsuccessful or inappropriate, the affected individual may request (or the Executive Director may direct, if appropriate):
    - (i) a formal investigation by the Executive Director; or
    - (ii) in cases alleging harassment (i.e. discrimination, sexual harassment, personal harassment, violence, or retaliation), a formal review by an external investigator.

A request for a formal investigation or review must generally be made within one year of the last incident. The Executive Director may extend this time when the delay in reporting occurred in good faith or as a result of informal attempts to resolve the issue. A formal investigation or review results in a finding of “no violation”, “insufficient evidence”, or “violation(s) found” and, if applicable, a resolution plan. There is no right to appeal a finding. For more information, see “**Process for Formal Investigations and Reviews**”.
5. **Being Accused of a Violation.** Individuals who are accused of violating the Code are encouraged to listen to the concerns raised, remembering that non-observance of the Code may have occurred even if it was unintended. If a formal investigation or review is initiated, the individual accused of the violation is notified in writing, may be interviewed by an external investigator, and is given the opportunity to respond to the allegations. Such individuals also have the right to seek legal counsel, at their expense, to respond to the allegations.

<sup>1</sup> Where a Complainant is a Board member or the complaint is about the Executive Director, contact LESA’s Board Chair. Where a complaint relates to the Executive Director, substitute “Board Chair” for “Executive Director” throughout this document.

6. **Records.** All records of complaints, including contents of meetings, interviews, notes of supervisors, manner of investigation, results of investigations, resolutions or outcomes, and other relevant material will be sealed and stored in a complaints file to which only the Executive Director has access, except to the extent that disclosure is necessary to carry out LESA policies and procedures or as required by law.
7. **False Allegations.** If an investigation results in a finding that the Complainant falsely accused another of a Code violation knowingly or in a malicious manner, the Complainant will be subject to appropriate disciplinary action, including the possibility of termination (if applicable). Such action is considered a violation of the Code; investigation results and resulting disciplinary action will be recorded in the Complainant's LESA personnel records (if applicable). An individual who submits a complaint in good faith has not violated the policy, even where the complaint cannot be proven.
8. **Actions by non-LESA Personnel.** While the Code applies only to LESA personnel, LESA remains committed to ensuring an overall healthy, positive workplace and learning environment. If an individual feels that they have been subjected to or have witnessed a violation of accepted standards of conduct by non-LESA personnel (e.g. a customer, a student) while engaged in a LESA activity, he or she should speak to their supervisor (if applicable) or to the Executive Director to discuss resolution options.
9. **Report by a Third Party.** Where an individual believes that someone else has experienced or is experiencing the effects of a Code violation and reports this belief to the Executive Director, the Executive Director speaks with the individual who is said to have been subjected to the violation. The Executive Director offers support where necessary to resolve the conflict and may intervene as required to maintain a healthy, positive workplace and learning environment.
10. **Other Remedies.** An individual may proceed with any other remedies they may have, including those provided under the *Alberta Human Rights Act* or through the courts.

### Instructions for Completing a Code of Conduct and Ethics Complaint Form

1. Complete the form in full. For assistance in completing this form, contact LESA.
  - (a) **Complainant Information.** Please complete the Complainant Information section, including your name and a phone number and email address at which to contact you.
  - (b) **Respondent Information.** Please complete the name of the Respondent in the Respondent Information section. LESA will complete the Respondent contact information on receipt of the form.
  - (c) **Relationship Information.** Please complete the Relationship Information section, specifying your connection to the Respondent. For example: "I am a CPLED student in the 2015/2016 CPLED Program and the Respondent is my Learning Group Facilitator for Legal Research and Writing." "I am employed at LESA as a Program Assistant and the Respondent is my co-worker."
  - (d) **Standards of Conduct Violations.** Please identify the specific violation(s) of the Code you seek to report. Refer to the Code for details.
  - (e) **Supporting Statement.** Please write a statement to support your complaint. Include information about:
    - (i) what happened to make you believe that the Code was violated;
    - (ii) where the conduct in question took place (e.g. at the LESA office, on-site at a LESA program, online);
    - (iii) when it took place (e.g. date(s) and time(s), to the extent known);
    - (iv) whether the conduct in question is still occurring;
    - (v) who else was present to witness the conduct in question (if anyone);
    - (vi) what the effect was (on you or on others) of the conduct in question;
    - (vii) what actions you took to resolve this issue (e.g. speaking directly to the individual concerned);
    - (viii) if you took actions to address this issue, what resulted;
    - (ix) if you did not take actions to address this issue, what prevented you; and
    - (x) any other facts or circumstances you believe are relevant.
  - (f) **Request.** Please indicate the process that you would prefer in response to your complaint (i.e. coaching or assistance; mediation; formal investigation; formal review).
  - (g) **Signature.** Please sign the application either digitally or in writing to confirm that all the information provided in support of the application is accurate and true.
2. Submit the application form and supporting documentation (marked confidential) to the Legal Education Society of Alberta, Attn: Executive Director at 2610, 10104-103 Avenue, Edmonton, Alberta, T5J 0H8 or by email to Jennifer Flynn at Jennifer.Flynn@lesa.org. In cases of matters referred to LESA's Board Chair, the application and supporting documentation (marked confidential) should be sent Attn: Board Chair or by email to Board Chair Daniel T. Gallagher QC at GallagherD@bennettjones.com.

## Process for Formal Investigations and Reviews

1. **Commencement.** After receiving (or initiating) a request for a formal investigation or review, the Executive Director, within 10 days (where possible):
  - (a) assumes the role of investigator or, in the case of formal review, appoints an external investigator;
  - (b) sends written confirmation to both parties that:
    - (i) a formal investigation or review has been initiated;
    - (ii) an investigator will contact them to schedule an interview; and
    - (iii) they have the right to legal advice, at their own expense.
2. **Investigation.** Within 45 days of appointment, where possible, the investigator:
  - (a) explores all allegations by interviewing the parties and witnesses;
  - (b) conducts the investigation according to the principles of fairness and natural justice; and
  - (c) prepares a written report including a summary of the facts, a finding (“no violation”, “insufficient evidence”, or “violation(s) found”), and a recommended resolution.

The Executive Director may postpone or interrupt the investigation in an effort to mediate a resolution to the dispute, when mutually agreed upon by the parties.
3. **Finding – “No Violation” or “Insufficient Evidence”.** Where the finding is “no violation” or “insufficient evidence”, the Executive Director meets with the parties to advise them of the finding, follows up in writing to confirm the finding, and then (if applicable) follows up with the parties to ensure a healthy work environment is maintained.
4. **Finding – “Violation(s) Found”.** Where the finding is “violation(s) found”, the Executive Director prepares a written resolution plan. A resolution plan may include disciplinary action, up to and including termination. When preparing the resolution plan, the Executive Director may consider the following:
  - (a) the severity of the violation;
  - (b) whether the violation was a single incident or a repeated act;
  - (c) the working relationship between the parties;
  - (d) the impact of the violation;
  - (e) acknowledgement of the violation;
  - (f) history of prior violations; and
  - (g) the need to prevent a reoccurrence.

The Executive Director advises the parties of the resolution plan, as appropriate. The Executive Director monitors the resolution plan, as appropriate. A notation in the personnel records of the Respondent will be made to refer to a confidential complaints file.

**Note:** Where an investigation or review relates to conduct by the Executive Director or a member of the Board, substitute “Board Chair” for “Executive Director” above.