



# Improper Conduct Complaints Policy

## 1. Improper Conduct Complaints Policy

In their dealings with the public, employees are expected to act professionally and with integrity. Members of the public have a right to complain if they believe that Ombuds staff have conducted themselves improperly on the job. At the same time, the office must provide employees with a full opportunity to respond to any allegations.

Examples of improper conduct include:

- the use of rude or offensive language in business dealings.
- threats to the safety of a person or their property.
- conducting business dealings under the influence of alcohol or drugs.
- contravening the Ombuds office Conflict of Interest or Confidentiality policies.
- engaging in unethical or illegal conduct.
- making a discriminatory remark or treating someone differently based on a human rights prohibited ground such as sex, race, creed, ancestry, place of origin, colour, ethnic origin, citizenship, age, record of offences, disability, sexual orientation, gender identity or gender expression, marital status or family status.

A complaint regarding improper conduct is not the same as a disagreement with an employee's business decision or a finding regarding a fairness review.

Members of the public may make complaints of improper conduct against Ombuds staff by following the reporting process outlined in *APPENDIX A - Reporting*. The investigation of the report shall follow the process outlined in *APPENDIX B – Investigation Process*.

### No Presumptions Based on Allegations

No employee shall be presumed to have engaged in improper conduct solely because an allegation has been made.

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## APPENDIX A - Reporting

To report a conflict of interest or improper conduct or to make an internal report of possible wrongdoing follow the steps outlined below. Except where reports are made anonymously, they will be acknowledged in writing and information on next steps provided.

### Reporting to the Ombuds

Reports about Ombuds staff may be made by submitting the report in writing to the Interim Ombuds through email at [rschmidt@newhomeombuds.ca](mailto:rschmidt@newhomeombuds.ca) or regular mail at New Home Ombuds, 1655 Dupont Street, suite 101, Toronto, ON M6P 3T1

### Reporting to the Stakeholder Committee

Reports about the Ombuds or Ombuds staff may be made by submitting the report in writing to the Chair of the Stakeholder Committee through email at [stakeholdercmtechair@tarion.com](mailto:stakeholdercmtechair@tarion.com) with “Confidential” in the subject line or by regular mail to Chair, Stakeholder Committee, 5160 Yonge Street, 7<sup>th</sup> floor, Toronto, ON M2N 6LP with “Confidential” marked on the envelope.

Provide as much detail as possible about the incident you are reporting, including when and where the incident took place, who was involved, and what happened.

Any report may be submitted anonymously, but this may limit the investigative procedure through an inability to validate or collect further information.

Whenever possible, the person reporting will be notified of the outcome of the investigation. However, because employment status may be involved, it may not be possible to provide full details.

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## APPENDIX B - Investigation Process

### The Investigation process

The employee against whom the report has been made may be notified of the report at the time of reporting and may be assigned to other duties or be placed on a paid leave, depending on the nature of the report. If the report requires advising and investigation by relevant authorities (e.g., law enforcement), the employee may not be advised of the report pending instruction from legal counsel and the appropriate authorities.

If the report has been submitted to the Ombuds, the Ombuds will review the report and consult with the Chair of the Stakeholder Committee to determine further action. If they determine that an investigation is required, the Chair, in consultation with the Ombuds, will determine whether the Ombuds will investigate the allegation or engage a third-party investigator to do so.

If the report was submitted to the Stakeholder Committee, the Chair of the Committee will review the report and consult with the Chair of the Board of Directors to determine further action. If investigation is required, an independent third-party investigator will be engaged by the Board.

#### Responsibility to Consider Accommodations

If the report relates to discrimination on prohibited human rights grounds, in addition to the above noted investigation, the Ombuds or Chair of the Stakeholder Committee will review the situation to determine if the matter can be addressed through reasonable accommodation

If a complaint relates to discrimination based on disability the Ombuds or Chair of the Stakeholder Committee will consult with Tarion's Director of Customer Services to determine appropriate accommodation.

#### **Outcome**

There are several outcomes possible, depending on the findings of the investigation.

If the investigation finds the report is not validated, the employee will be informed of the report and no further action will be taken.

If the investigation determines that the report is validated, the employee may be required to:

- disengage from an outside interest;
- agree to publicize a potential conflict of interest;
- be temporarily removed from some or all of their responsibilities;

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- continue with their duties under the scrutiny of the Ombuds or the Chair, Stakeholder Committee;
- receive a reprimand or other disciplinary action,
- submit a resignation;
- be terminated

## Reporting

A copy of the investigation report, the response and a record of any action taken will be kept in a separate file in the employee's personnel file.

The outcome of the report shall be provided to the complainant if possible. However, because employment status may be involved, the outcome information provided to the complainant may be limited.

## Confidentiality and Privacy

The office will take all reasonable steps to ensure confidentiality and privacy, to the extent practicable and consistent with applicable law and the need to conduct a fair investigation.

## MONITORING METHODOLOGY

This Policy shall be reviewed annually by the Ombuds and Stakeholder Committee.

Reviewed by Stakeholder Committee	October 2020, April 2023
Reviewed by Board of Directors	October 2020, February 2022, April 2023
Approved by Board of Directors	October 2020, February 2022, April 2023