

Practice Guide for Leaders and HR Professionals

Issue:

To clearly state the University's expectation and instructions concerning paid leave during investigations.

Background:

- Periodically, the university is required to investigate allegations of employee misconduct.
- While it is in everyone's interest to conclude such investigations as efficiently as possible, it is often necessary to temporarily remove the employee with the alleged misconduct from the workplace.
- At UVic, we do not have a "Policy" per se but our practice for all of our employee groups is consistent. This practice is reflected clearly in Article 58.23 of our Faculty Collective Agreement which, in short, provides for a mandatory leave with pay pending the outcome of any investigation where there are allegations of gross misconduct.
- We take this step for several reasons, not the least of which is to ensure an unbiased investigation, to respect the fact that these are, at the investigation stage, unproven allegations, and to remove unnecessary hindrances on the investigation (time, engagement of respondent and witnesses, decisions) that imposing an unpaid leave could create.
- The staff collective agreements are silent on the matter of paid versus unpaid leave during investigations; however, our practice and expectation (paid leave) is consistent with Article 58.23 in the Faculty Collective Agreement.

PRACTICE/EXPECTATION

It is the expectation of the University, and an express requirement of the Faculty/Librarian Collective Agreement, that when employees are placed on leave pending investigations into allegations of gross misconduct, it will be leave with pay.

