



# COTAPSA's SHRC Investigation Notes Policy

**Effective:** Immediately  
**Issued by:** ED/Privacy Officer  
**Approved by:** Executive/Board of Directors  
**Approved on:** July 12, 2017  
**Reviewed on:** June, 2018

**Contact Information:**  
Executive Assistant  
COTAPSA  
77 Elizabeth St., 3<sup>rd</sup> floor  
Toronto

*Since 2000, the Investigation Notes taken by the Senior Human Resources Consultant working for COTAPSA have not been shared and/or distributed unless there was a legal undertaking by the member and the notes were requested at that time.*

To make this process clear the following Policy has been developed.

### **COTAPSA Senior Human Resources Consultant (SHRC) Role**

The SHRC's role<sup>1</sup> is that of support person, at any City meetings, and in so doing the following two points govern his/her action while at meetings with a member.

- The SHRC's role in the meeting is that of a witness and support person.
- The SHRC is not entitled to advise a member when in attendance at a meeting (disciplinary, human rights, internal investigation etc.).

Notwithstanding at any City meeting attended with a member, the SHRC may take notes during the investigative meeting. These investigative notes are taken as a record of the event in case that there is a discrepancy between the SHRC's understanding and the City's understanding of the situation and are created for the SHRC's use only.

### **SHRC Investigation Notes**

The notes including what was discussed and the questions asked and the Members responses during the investigation meeting may not be verbatim.

Interview notes are the property of COTAPSA and not for distribution unless compelled by law in connection with a legal proceeding and are not to be used without COTAPSA's written consent.

These notes will be held for 10 years in secure storage. They will be placed in the member's file, marked confidential, and are not for distribution unless: 1) compelled by law in connection with litigation h, or 2) The member has signed the *Undertaking and Release* form. (See following)

---

<sup>1</sup> Upon emergency, the ED may act as witness/support person. Same policy applies.



## UNDERTAKING AND RELEASE

I have made a request to the City of Toronto Administrative, Professional and Supervisory Association, Incorporated ("COTAPSA") for the production of various notes prepared by COTAPSA's Senior Human Resources Consultant, XXX (the "Notes") with respect to meetings held between the City of Toronto and myself with XXX present (the "Meetings"). COTAPSA is prepared to provide me with a copy of those Notes subject to the following conditions:

1. I undertake not to disclose the Notes or make any use of the Notes whatsoever except for the purposes of a lawsuit or other legal proceeding against the City of Toronto in any way relating to my employment and/or the termination of my employment with the City.
2. I undertake not to commence and I will instruct any legal counsel or agent on my behalf not to commence or continue any action or other legal proceeding against COTAPSA or any of its past and present members, officers, directors, employees and agents in any way relating to or arising out of the Notes and/or the Meetings and/or any assistance or representation provided to me by COTAPSA and/or XXX , and this Undertaking and Release will constitute a complete estoppel with respect to same.
3. On behalf of myself, my estate, family, heirs, executors, estate trustees, successors and assigns, I hereby fully and finally release and forever discharge COTAPSA, along with all of its past and present members, officers, directors, employees (including the SHRC) and agents jointly and severally from any and all actions, causes of action, contracts and covenants, whether express or implied, claims and demands for damages of any nature and kind whatsoever, whether known or unknown in any way relating to or arising out of the Notes and/or any assistance or representation provided to me by COTAPSA and/or SHRC.

I hereby agree with all of the conditions set out above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

I, "name" , on behalf of myself and "law firm" undertake not to commence any action or other legal proceeding against COTAPSA or any of its past and present members, officers, directors, employees (including the SHRC) and agents in any way relating to or arising out of the Notes and/or the Meetings and/or any assistance or representation provided to "name" by COTAPSA and/or SHRC.

\_\_\_\_\_  
Date

\_\_\_\_\_  
"Law Firm"