

CVS POLICY & PROCEDURE MANUAL

Policy Area: Human Resources

Policy # & Name: 6.20 Subpoenas and Investigations

Group: All Staff

Purpose:

To ensure Employees or directors have guidance when required to testify before a court of law (whether in a trial or proceeding), administrative tribunals or before an arbitrator whose position is governed by law (hereafter called "Court").

The Society takes seriously its fiduciary responsibility to safeguard information regarding supported persons. It will resist, in accordance with its legal rights and conscience, any disclosure that may compromise the best interest of supported persons.

To ensure employees are aware of:

- ? their obligation to fulfill their lawful duty to respond to summons or subpoenas.
- ? their rights with respect to making disclosures.
- ? their concurrent obligations to the Society and to the persons it supports.
- ? the Society's commitment to act in the best interest of supported persons.
- ? the Society's commitment to support, as much as possible, the subpoenaed employees throughout the experience.

Practice Standards:

Criminal Investigations

Neither the Society nor its employees will hinder criminal investigations. At the same time, the Society will take necessary precautions to ensure the information it discloses is accurate, relevant and complete. If:

- ? the disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of personal information,
 - ? the disclosure is to a body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation,
 - ? to determine whether an offence has taken place, or
 - ? to prepare for the laying of a charge or the prosecution of the offence.
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Criminal Investigations, continued

Upon being approached by police conducting criminal investigation, an employee must immediately inform the Society. Information will not be disclosed without prior confirmation of police credentials.

All information provided to the police must be accurate, relevant and free of prejudice. Requests for documents must be processed through the Executive Director

Summons or Subpoena

An employee who receive a summons or subpoena to appear before a court of law on matters regarding the Society or the persons it supports will immediately disclose the nature of the summons or subpoena to the Society.

An employee is legally compelled by summons or subpoena to appear before a Court and will fulfill his or her legal obligations to appear and to respond truthfully to all questions. Although the employee maintains his or her obligations to the Society, the Court has primacy, regardless of the potential consequences to the Society or to the persons it supports.

Where appropriate, and in accordance with the rights of the Society, the employee and/or a supported person, an employee subpoenaed before a Court may ask to not testify or to not answer some questions or parts of some questions.

Voluntary Testimony

An employee who wishes to provide voluntary testimony to a Court, police or to a non-judicial body must disclose this intent to the Society prior to providing the testimony. The Society may require an employee to abstain from giving voluntary testimony when the testimony is not in the best interests of the Society or the persons it supports and when the Society is within its legal rights to do so.

Policy Audit:	Annually
Date Issued:	March 2007
Date Revised:	
Position Responsible:	Executive Director
References:	
