

CITY OF SURREY ETHICS COMMISSIONER OFFICE

PROCEDURE NO. 2020-01

INTERVIEW PROCEDURE

Procedures

This document provides guidance on how the Ethics Commissioner conducts interviews as part of an Investigation under the SECO Formal Review Policy No. 2020-02 (the “Policy”). Terms are as defined in the Policy.

1. The Ethics Commissioner has full discretion over whether to conduct interviews as part of an Investigation.
2. The Ethics Commissioner will generally interview the Complainant first, then any witnesses, and then the Respondent. The Commissioner may choose not to interview the Complainant, where it would be unnecessary or inappropriate to do so.
3. The Ethics Commissioner has full discretion in selecting witnesses to interview.
4. After interviewing the Complainant and any other person, where applicable, and before interviewing the Respondent, the Commissioner will provide the Respondent with written particulars that include any new allegations or information uncovered in the course of the Investigation.
5. The Ethics Commissioner may interview any participant more than once, as appropriate.
6. The Ethics Commissioner may conduct interviews in person, by telephone or video conference, or by putting questions in writing, at the Ethics Commissioner’s sole discretion.
7. The Ethics Commissioner may elect to provide questions in advance of interviews, but is not required to do so.
8. At the start of each interview, the Ethics Commissioner will inform the participant that:
 - a. the participant must keep all information discussed in the interview, and the Investigation itself, confidential;
 - b. the participant must tell the truth and provide accurate answers to the questions posed; and

- c. any attempts at retaliation or interference with the Investigation will not be tolerated, and must be reported immediately to the Ethics Commissioner.
9. Participants may attend interviews with a representative of their choice, including but not limited to a union representative or legal counsel. The representative may not be another participant in the Investigation. The same representative may not appear with participants who are adverse in interest. Representatives are not entitled to attend interviews of, or question, other participants.
10. Representatives are present to ensure fairness, to advise participants, to assist in fact finding, and to provide support. Representatives may not answer questions on behalf of participants.
11. The Ethics Commissioner will keep notes of all Investigation interviews.
12. Interviews may be recorded at the Ethics Commissioner's discretion. Participants will be notified if the Ethics Commissioner is recording the interview. Participants may not record the interview. If an interview is recorded, a transcript will be produced and provided to the participant.
13. The Ethics Commissioner may compel the attendance of witnesses by requesting that the Mayor issue a summons under s. 134 of the *Community Charter*.
14. The Ethics Commissioner may administer an oath to a witness before accepting that witness's evidence.
15. The Ethics Commissioner may require any witness to produce documents or other evidence, including evidence that is Confidential under the Code.

ADOPTED this 5th day of November, 2020.


Ethics Commissioner