



## RESPECTFUL WORKPLACE PROCEDURE

<b>Procedure Type:</b>	Institutional	<b>Initially Approved:</b>	April 10, 2014
<b>Procedure Sponsor:</b>	President and CEO	<b>Last Revised:</b>	April 15, 2020
<b>Administrative Responsibility:</b>	Human Resources	<b>Review Scheduled:</b>	2022
<b>Approver:</b>	President and CEO		

### A. PURPOSE

The purpose of this procedure is to outline the process by which a concern or complaint of harassment, violence, or discrimination, or a violation of the Respectful Workplace Policy is to be reported, investigated, and addressed by the University.

### B. SCOPE

This procedure applies to all members of the University community including, but not limited to, employees, governors, contractors, students and visitors.

### C. PROCEDURES

#### 1. Complaint or Concern

1.1 A concern or Complaint may only be made by a University Community Member against another University Community Member. The Director of Human Resources (DHR) or designate may authorize the acceptance of a Complaint from a person other than a University Community Member.

#### 2. Immediate Resolution

2.1 A University Community Member who believes they are being harassed, discriminated against, subjected to violence, or who believes that the Respectful Workplace Policy is being violated, is encouraged to communicate this to the person involved and ask them to stop the conduct or behaviour immediately.

2.2 If the request to stop does not resolve the situation and the conduct or behaviour continues, or if the University Community Member, is not comfortable in raising their concern with the person involved, the University Community Member should seek advice, in a timely manner, from the DHR. The DHR will inform the individual of these procedures and the avenues for redress or resolution.

### **3. Consultation**

- 3.1 University Community Members are encouraged to consult with the DHR, when they believe the Respectful Workplace Policy has been violated and/or when they believe they have been harassed, subjected to violence, or discriminated against. Consultation is encouraged when a University Community Member witnesses an incident that might violate the Respectful Workplace Policy or that may constitute harassment, violence, or discrimination.
- 3.2 University Community Members may contact and discuss a concern about harassment, violence, discrimination or a violation of the Respectful Workplace Policy with a colleague, Supervisor, or Manager first. In these situations, the colleague, Supervisor or Manager should refer the party directly to the DHR or designate in a timely manner.
- 3.3 Students are encouraged to consult with the Registrar when they believe the Respectful Workplace Policy has been violated or they have been the subject of discrimination, violence, or harassing behaviour. Students who witness an incident involving another student or students are encouraged to consult with the Registrar. Students may talk with other University Community Members, including Managers and Supervisors, about a violation of the Respectful Workplace Policy, discrimination, violence, or harassment. In these circumstances, students should be referred to consult directly with the Registrar in a timely manner.
- 3.4 It is the responsibility of all Supervisors and Managers at AUArts to take immediate and appropriate action to report or deal with incidents of harassment, discrimination, or violence of any type, whether brought to their attention or personally observed. Under no circumstances, should a Complaint be dismissed or downplayed, nor should the Complainant be told to deal with it personally.
- 3.5 Any University Community Member experiencing violence outside of the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace is encouraged to contact the DHR. The University will take every precaution reasonable in the circumstances for the protection of the University Community Member.

### **4. Timelines**

- 4.1 In order to conduct an effective investigation, the University encourages Complainants to file a Complaint soon after the occurrence. Complaints of alleged discrimination, violence, or harassment or violation of the Respectful Workplace Policy should be immediately reported. Delay in filing a Complaint may impede the University's ability to conduct an investigation or take appropriate action.

### **5. Written Complaint**

- 5.1 Complaints must be made in writing to the DHR.
- 5.2 The Complaint must include details of the conduct that resulted in the Complaint, dates and locations of incidents or situations, the nature of the incident, and a description of all parties involved. It should also include the names of witnesses and any other information that would be useful in evaluating the concern or Complaint, including supporting documents.

- 5.3 The Complaint should contain sufficient details for the DHR to determine the type and scope of investigation that is appropriate and what other steps should be taken to resolve the situation.
- 5.4 If the DHR becomes aware of information indicating that a University Community Member has engaged in discrimination, violence, harassment or a breach of the Respectful Workplace Policy, the DHR may treat such information as a Complaint.
- 5.5 Upon receipt of a Complaint, the DHR shall review the Complaint and may gather preliminary information. The DHR may, in its discretion, decide not to proceed with an Investigation where the DHR determines that the Complaint is not covered by the Respectful Workplace Policy, the Complaint does not provide sufficient information to permit an Investigation, or the Complaint is frivolous, vexatious, or made in bad faith. The DHR will advise the Complainant of this decision.
- 5.6 If the DHR determines that there is insufficient information to conduct an Investigation, the DHR will advise the Complainant of this decision.
- 5.7 If the DHR determines there is sufficient information to proceed with an Investigation, the DHR will name an internal or external Investigator depending upon the nature of the Complaint. The DHR will advise the Complainant and the Respondent of this decision.

## **6. Interim Measures**

- 6.1 Interim measures are non-disciplinary conditions that may be imposed on a Respondent alleged to have violated the Respectful Workplace Policy. The University may impose interim measures in response to a Complaint.
- 6.2 The purpose of interim measures is to ensure personal safety, discourage or prevent retaliation, prevent further violence, harassment, or discrimination, protect confidentiality, minimize disruption to the learning, working or University environment and/or preserve the University's ability to conduct a thorough investigation.
  - a. Interim measures may include:
    - i. A requirement not to have contact with specified individuals;
    - ii. Limited access to specified areas at specified times;
    - iii. Limited access to specified areas at all times;
    - iv. Removal from the University premises and associated workplaces;
    - v. Increased monitoring or supervision;
    - vi. Any other condition, restriction or requirement that is appropriate; and proportionate to the situation and that meets the above referenced purpose.
- 6.3 The decision to impose interim measures will be made by the DHR.
- 6.4 A Respondent on whom interim measures are imposed may request reconsideration from the decision maker after sixty (60) days or such earlier time as agreed to by the DHR.

## **7. Investigation Process**

- 7.1 The University is committed to the principles of procedural fairness in the implementation of the Respectful Workplace Policy and Procedure. The Investigation will be conducted in an orderly and discreet manner and confidentiality will be maintained wherever possible. However, the release or

publication of the names of the relevant parties, witnesses, and particulars concerning the Complaint may be necessary in order to properly investigate the Complaint, to respond to any legal or administrative proceedings arising, to inform University Community Members, as appropriate, of a specific or general threat of violence or potential violence, or to comply with the law.

- 7.2 The objectives of the Investigation will be to compile information relating to the Complaint as quickly as reasonably possible, to consider the information collected and draw conclusions objectively and impartially, and to maintain procedural fairness in the treatment of witnesses, the Complainant and the Respondent.
- 7.3 As part of an Investigation, the Investigator may gather and review relevant information and may conduct interviews as appropriate with the Complainant, the Respondent, witnesses to the alleged misconduct, and any other individual deemed necessary. The Investigator may assess the credibility of the Complainant, Respondent, and all witnesses.
- 7.4 The DHR may, in its discretion, place the Complaint on hold if the Complaint is being addressed by a grievance under a collective agreement, is the subject of an Alberta Human Rights Act complaint, or an Alberta Occupational Health and Safety Act investigation. Such decision may be revisited at any point prior to the final resolution of the Complaint.
- 7.5 The Complainant may withdraw the Complaint at any time. The University may have a legal responsibility to take steps to address the situation notwithstanding the withdrawal of the Complaint.
- 7.6 A University Community Member involved in the Investigation may be accompanied by a union representative, or a support person. The individual accompanying the University Community Member shall participate as an observer during the Investigation and shall not interfere with or impede the Investigation.
- 7.7 During the Investigation, all parties and witnesses are required to keep all aspects of the Investigation confidential. Parties may discuss the details with union representatives, legal counsel and/or support persons.
- 7.8 When the Investigation is completed, the Complainant and Respondent will be advised that the Investigation is completed and of the findings and recommendations of the Investigation.
- 7.9 If the Investigator determines there has been a breach of the Respectful Workplace Policy, another policy or a breach of law, or if the findings are inconclusive, the DHR will refer the investigation report and findings to the proper accountable office or individual to consider discipline or sanctions, up to and including termination in accordance with the terms of the relevant collective agreement, or policy.
- 7.10 If the Investigator makes no findings that establish or could establish a breach of policy or law, the DHR will close the Complaint and take no further action, other than issuing counselling where appropriate.

## **8. Post-Incident Support**

- 8.1 The University will ensure that appropriate resources are available to University Community Members who report an incident of violence, discrimination, or harassment.

## **9. No Retaliation**

- 9.1 Workplace violence, discrimination, and harassment are serious matters. The University prohibits reprimands, penalization or criticism against University Community Members acting in good faith while following the Respectful Workplace Policy and procedures, making or addressing Complaints, or providing information regarding a Complaint or an incident of workplace violence, discrimination or harassment.
- 9.2 "Retaliation" includes:
- a. any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace violence, discrimination, or harassment;
  - b. intentionally pressuring a person to ignore or not report an incident of workplace violence, discrimination, or harassment; and
  - c. intentionally pressuring a person to lie or provide less than full cooperation with an Investigation into a Complaint or incident of workplace violence, discrimination or harassment.
- 9.3 University Community Members who engage in retaliation or threats of retaliation may be subject to discipline or sanctions, up to and including termination.

## **10. Frivolous, Vexatious or Bad Faith Complaint**

- 10.1 A University Community Member who makes a frivolous, vexatious or bad faith Complaint or otherwise abuses the Respectful Workplace Policy may be subject to discipline or sanctions, up to and including termination or expulsion. Such discipline is not retaliation or breach of the Policy or Procedures.

## **11. Prevention of Violence, Harassment and Discrimination**

- 11.1 An assessment of the potential for violence, harassment, and discrimination in the University workplace will be included in the University's Hazard Assessment and Control process.
- 11.2 When the potential for violence, harassment, and discrimination is identified during an assessment, controls to eliminate or mitigate the hazard will be considered. Controls or mitigation strategies could include:
- a. reconfiguration of workplace design/layout;
  - b. development of a safe work procedure; and
  - c. training.
- 11.3 The University will develop and maintain a training program that deals with the following topics:
- a. recognizing workplace violence, harassment and discrimination;
  - b. identifying the potential for violence, harassment and discrimination in the workplace;
  - c. managing the risk for violence, harassment and discrimination in the workplace;
  - d. implementing mitigation strategies;
  - e. the appropriate response to incidents; and
  - f. procedures for reporting, investigating and documenting incidents of workplace violence, harassment and discrimination.
- 11.4 Supervisors and Managers will ensure that University Community Members review the training material during the annual confirmation of understanding.

**D. DEFINITIONS**

The definitions in the Respectful Workplace Policy apply to this procedure.

- Complaint                    an allegation/s of discrimination, violence, harassment, and/or violation of the Respectful Workplace Policy.
  
- Complainant                a person who alleges they have been discriminated against, subjected to violence, and/or harassed and initiates a Complaint against a University Community Member.
  
- DHR                         Director, Human Resources or their designate.
  
- Investigator                a University employee or an external person who carries out an Investigation.
  
- Investigation              process undertaken by the University to determine whether a Respondent has violated the Respectful Workplace Policy, or committed an act of violence, harassment or discrimination against another University Community Member.
  
- Respondent                a University Community Member alleged to have violated the Respectful Workplace Policy, committed an act of violence, harassment or discrimination against another University Community Member.

**E. REVISION HISTORY**

Date (mm/dd/yyyy)	Description of Change	Sections	Person who Entered Revision (Position Title)	Person who Authorized Revision (Position Title)