

**Harassment Policy**

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- Purpose**            1    The purpose of this policy is to enhance awareness of the rights and responsibilities of individuals subjected to, or who become aware of, Harassment.
- Scope**            2    This policy applies to Employees, Academic Staff Members, Appointees, Postdoctoral Scholars, Students, Contractors and Volunteers.
- Definitions**       3    In this policy:
- a) “Academic Staff Member” means an individual who is engaged to work for the University and is identified as an academic staff member under Article 1 of the collective agreement between the Faculty Association and the Governors of the University of Calgary in effect at the relevant time.
  - b) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, and visiting researchers and scholars.
  - c) “Complainant” means the person alleging a breach of this policy.
  - d) “Complaint” means a report alleging a breach of this policy.

- e) “Contractor” means an individual or a corporation, or other entity who agrees to furnish materials to, or perform services for, the University for consideration.
- f) “Employee” means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.
- g) “Faculty Association” means the Faculty Association of the University.
- h) “Harassment” means
  - i. unwelcome and inappropriate verbal, written, graphic or physical conduct, or coercive behaviour, where the behaviour is known or reasonably ought to be known to be unwelcome and is based on a Protected Ground; or
  - ii. Personal Harassment.
- i) “HR” means the department of Human Resources at the University.
- j) “ODEPD” means the Office of Diversity, Equity, and Protected Disclosure at the University.
- k) “Personal Harassment” means unwelcome verbal, written, graphic or physical conduct, behaviour or communication, not based on a Protected Ground, and directed toward an individual or group of individuals where:
  - i. there is a misuse or abuse of power having the effect or purpose of significantly abusing, threatening, demeaning or intimidating an individual or group of individuals; or
  - ii. such conduct has the purpose or effect of significantly interfering with work or educational performance; or
  - iii. such conduct creates an intimidating, hostile, or offensive working, living or educational environment.
- l) “Postdoctoral Scholar” means an individual who has completed a doctoral degree and is carrying out research at the University under the direction or mentorship of a supervising Academic Staff Member.
- m) “Protected Grounds” means race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation or any form of discrimination prohibited under the *Alberta Human Rights Act* including sexual harassment.
- n) “Reprisal” means Retaliatory Measures that are taken against an individual because he or she has sought advice about making a Complaint, made a Complaint in good faith, co-operated in an

investigation of a Complaint, or declined to participate in behaviour that would breach this policy.

- o) “Respondent” means the Employee, Academic Staff Member, Appointee, Postdoctoral Scholar, Student, Contractor or Volunteer who is alleged to have breached this policy.
- p) Retaliatory Measures include:
  - i. a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
  - ii. any act that adversely affects the employment, working conditions, or education of the individual; and
  - iii. a threat to do any of the above.
- q) “Student” means an individual registered in a University course or program of study.
- r) “University” means the University of Calgary.
- s) “Volunteer” means an individual who, on a voluntary basis, provides a service or materials to the University.

**Policy Statement**

**4 General**

- 4.1** The University is committed to providing a respectful, safe and supportive learning, working and living environment in which there is respect for the dignity of all, fair treatment of individuals and an environment free of Harassment. As part of this commitment, the University shall provide access to appropriate response processes and other resources to address incidents of Harassment.
- 4.2** Harassment may be a single incident or a series of incidents. Harassment may involve an individual or group of individuals, and may take verbal, written, graphic or physical forms. Harassment may occur during work or school hours or outside work or school hours and on or off campus.
- 4.3** This policy is not intended to limit or constrain the reasonable exercise of supervisory functions, taken in accordance with the provisions of any applicable collective agreement, employment contract or policy, regulation or guideline relating to the supervision of Students such as but not limited to:
  - a) performance evaluations based on work performance;
  - b) imposition of discipline;
  - c) a managerial directive;
  - d) a denial of a request for time off; or
  - e) providing evaluative feedback to a Student.

**4.4** This policy does not preclude individuals from filing a complaint in other venues such as under the grievance process of an applicable collective agreement or filing a complaint of harassment or discrimination with the Alberta Human Rights Commission which has its own procedures and timelines.

#### **Informal Measures of Resolution**

**4.5** Individuals who have questions or concerns relating to Harassment may contact the ODEPD, the Associate Vice-President (Human Resources), the Student Conduct Office, a union or Faculty Association for:

- a) confidential consultation and advice;
- b) information on the University's Harassment Policy, the Procedure for Protected Disclosure, the Workplace Investigation Procedure, and the Student Non-Academic Misconduct Procedure;
- c) assistance with pursuing informal measures of resolution;
- d) guidance through the process if they make a Complaint; and
- e) referral to other resources.

**4.6** Individuals are encouraged to use informal measures to resolve an allegation of Harassment before resort is made to formal procedures. This may involve discussion with the Academic Staff Member, appropriate manager, supervisor, dean or department head or through consultation with the ODEPD, HR, the union or the Faculty Association or the Student Conduct Office.

#### **Confidentiality**

**4.7** The confidentiality of Complaints made pursuant to this policy will be respected by all those who are privy to information or in possession of documentation pertaining to the Complaint, subject to sections 4.8, 4.10, 4.11 and 4.12.

**4.8** The name of the Complainant and the Respondent and the circumstances of the Complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigating and resolving the Complaint, taking any related disciplinary measures, or as required by law.

#### **Reporting Harassment to the University**

**4.9** Individuals who have been subjected to or become aware of Harassment and who wish to make a Complaint may contact:

- a) the ODEPD;
- b) HR;
- c) the Student Conduct Office;
- d) the *ConfidenceLine* (1-800-661-9675);
- e) a manager, supervisor, or dean; or
- f) Campus Security.

- 4.10** If a Complaint raises issues of safety or security the person who receives the Complaint may forward the Complaint to Campus Security for immediate action. They may also contact police or emergency responders.
- 4.11** If a Complaint raises issues of privacy the person who receives the Complaint will forward a copy of the Complaint to the University Access and Privacy Office.
- 4.12** If a Complaint raises issues of liability or reputational risk to the University the person who receives the Complaint will forward a copy of the Complaint to the General Counsel for the University.
- 4.13** If all Respondents are Academic Staff Members or Appointees the person who receives the Complaint will forward the Complaint to the Protected Disclosure Advisor for assessment under the Procedure for Protected Disclosures.
- 4.14** If all Respondents are Contractors, Volunteers, or Postdoctoral Scholars, the person who receives the Complaint will forward the Complaint to the Protected Disclosure Advisor for assessment under the Procedure for Protected Disclosures.
- 4.15** If all Respondents are Employees the person who receives the Complaint will forward the Complaint to the Associate Vice-President (Human Resources) for assessment under the Workplace Investigation Procedure.
- 4.16** If all Respondents are Students and the conduct occurs in their role as Students, the person who receives the Complaint will forward the Complaint to the Student Conduct Office for assessment under the Student Non-Academic Misconduct Procedure. For Students who are also Employees or Appointees, if the conduct occurs in their role as Employee or Appointee the Complaint will be referred pursuant to section 4.13, 4.15, 4.17 or 4.18, as applicable.
- 4.17** If a Complaint names more than one Respondent and at least one Respondent is an Academic Staff Member or Appointee, the person who receives the Complaint will forward the Complaint to the Protected Disclosure Advisor for assessment under the Procedure for Protected Disclosures.
- 4.18** If a Complaint names more than one Respondent and the Complaint is not subject to sections 4.13, 4.14, 4.15, 4.16 or 4.17, the person who receives the Complaint will forward it to the Associate Vice-President (Human Resources) who will assess the Complaint under the Workplace Investigation Procedure or forward the Complaint to the Student Conduct Office for assessment under the Student Non-Academic Misconduct Procedure or to the Protected Disclosure Advisor for

assessment under the Procedure for Protected Disclosures, as the Associate Vice-President (Human Resources) deems appropriate.

**4.19** The University may review or investigate suspected incident(s) of Harassment in the absence of a Complaint.

#### **Training**

**4.20** HR will develop and update as appropriate a Harassment awareness training program that addresses the following topics:

- a) recognizing Harassment;
- b) identifying the potential for Harassment;
- c) implementing mitigation strategies; and
- d) appropriate response processes.

HR will notify Employees, Academic Staff Members, Appointees, and Postdoctoral Scholars when the Harassment Awareness training program is available and each time it is updated.

**4.21** Supervisors of Employees, Academic Staff Members, Appointees, and Postdoctoral Scholars will allow time away from regular duties and access to a computer if necessary to review the Harassment awareness training program and updates.

#### **Reprisals and Sanctions**

**4.22** Individuals will not take any action in Reprisal against a Complainant.

**4.23** An individual who believes they may be the subject of Reprisal may notify the Protected Disclosure Advisor in accordance with the Procedure for Protected Disclosures.

**4.24** An individual who is found to have breached this policy may be subject to disciplinary action up to and including termination of employment, expulsion from the University or termination of any other relationship they have with the University. Disciplinary action will be taken in accordance with the provisions of any applicable collective agreement.

**4.25** An individual who is found to have made a frivolous or vexatious Complaint may be subject to disciplinary action up to and including termination of employment, expulsion from the University or termination of any other relationship they have with the University. Disciplinary action will be taken in accordance with the provisions of any applicable collective agreement.

#### **Time Limits**

**4.26** For a Complaint to be considered under this policy it should be made within one year of the last incident of Harassment.

#### **Responsibilities**

- 5** **5.1** The General Counsel will:
- a) provide legal advice on the University's obligations under this policy.

- 5.2** The Associate Vice-President (Human Resources) will:
- a) ensure that a Harassment Awareness training program is developed and updated and that Employees, Academic Staff Members, Appointees, and Postdoctoral Scholars are notified, as required by section 4.19;
  - b) provide support and advice to individuals raising issues of Harassment or questions or concerns relating to Harassment; and
  - c) respond to Complaints in accordance with this policy.
- 5.3** The Protected Disclosure Advisor will:
- a) provide support and advice to individuals raising issues of Harassment or questions or concerns relating to Harassment; and
  - b) respond to Complaints in accordance with this policy.
- 5.4** The Student Conduct Office will:
- a) provide support and advice to individuals raising issues of Harassment or questions or concerns relating to Harassment; and
  - b) respond to Complaints in accordance with this policy.
- 5.5** Managers, supervisors, and deans will:
- a) provide support and advice to individuals raising issues of Harassment; and
  - b) direct Complaints to the Associate Vice-President (Human Resources), the Student Conduct Office or the Protected Disclosure Advisor in accordance with this policy.
- 5.6** Campus Security will:
- a) provide support and advice to individuals raising issues of Harassment; and
  - b) direct Complaints to the Associate Vice-President (Human Resources), the Student Conduct Office or the Protected Disclosure Advisor in accordance with this policy.
- 5.7** Individuals will:
- a) be familiar with this policy and act in accordance with it.

<b>Procedures</b>	<b>6</b>	<a href="#"><u>Workplace Investigations Procedure</u></a> <a href="#"><u>Procedure for Protected Disclosure</u></a> <a href="#"><u>Student Non-Academic Misconduct Procedure</u></a>
<b>Related Policies</b>	<b>7</b>	<a href="#"><u>Code of Conduct</u></a> <a href="#"><u>Student Non-Academic Misconduct Policy</u></a> <a href="#"><u>Workplace Violence Policy</u></a>
<b>Related Information</b>	<b>8</b>	FAQs re Harassment & Discrimination hyperlink to come when information available
<b>References</b>	<b>9</b>	<a href="#"><u>Alberta Human Rights Act</u></a>

**History**

**10** *Editorial Change:* May 14, 2018 (definition of “Student”)

*Approved:* December 2, 2015  
(this policy replaces the Sexual Harassment Policy (1990))

*Effective:* January 1, 2016