
Addressing Concerns of Harassment by University Employees and Representatives Policy

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Policy Contact:	Director, Human Resources
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Procedure:	Addressing Concerns of Harassment by University Employees and Representatives Procedure

Purpose

Outline Athabasca University's (University) responsibilities for and commitment to ensuring a respectful, safe and healthy workplace through education, awareness, and legislative compliance and to outline a consistent, respectful and confidential process with which to address concerns of harassment.

Note:

This policy does not apply to Athabasca University Faculty Association (AUFA) members. The provisions set out in this policy will not apply to any complaint made by or against a member of the AUFA. AUFA members are subject to the Discrimination, Harassment, and Discipline provisions set out in the Terms and Conditions of Agreement between the Athabasca University and the AUFA.



Definitions

Academic Freedom

As defined in AUFA /The Governors of Athabasca University (the Board) Terms and Conditions: 2011-2013

Frivolous

Allegations which are unworthy of serious consideration because the allegedly improper conduct even if proven to have occurred could not in any circumstances be considered by a reasonable person to be harassment.

Harassment

Inappropriate or unwanted conduct, comment, display, action or gesture by an individual(s)

- (i) that either:
 - a) is discriminatory in nature in that it is based on race, religion, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status, sexual orientation, and where such conduct is not permitted by the *Alberta Human Rights Act* ; or
 - b) is disrespectful, demeaning, degrading or embarrassing in nature, such as but not limited to: threats, intimidation, abuse of authority, bullying, verbal abuse; unwelcome remarks or jokes; inappropriate displays or sexually suggestive remarks or gestures
- (ii) and:
 - c) adversely affects another individual's psychological or physical wellbeing; or
 - d) affects that individual's ability to effectively perform work duties; or
 - e) constitutes a threat to the health and safety of that individual.
- (iii) that a reasonable person should have known would be unwelcome, humiliating, intimidating, or otherwise unreasonable
- (iv) that consists of a single incident or several incidents over a period of time, and
- (v) occurs at a University workplace



- (vi) but does not include reasonable conduct intended to correct or improve the performance or behaviour of the person at whom the conduct is directed.

Individual

Executive, managerial, academic, professional and support staff of Athabasca University whether full time, part time, continuing or fixed term, tutors, visiting and adjunct academics, academic coaches, except for Athabasca University Faculty Association (AUFA) members, whom this policy does not apply; other contractors and all visitors and volunteers who contribute to University activities or who act on behalf of the University

Reasonable Person

Refers to how reasonable people would feel in roughly the same position if they were the recipient of the behaviour or pattern of behavior.

Respect

Personal accountability and shared responsibility through words and actions that acknowledge the feelings, choices and rights of oneself and others.

Support Resources

Confidential and objective resources that may be utilized for support during the harassment complaint process. Internal resources may include but are not limited to the University's Employee and Family Assistance Programs, Human Resources, supervisor(s), a trusted colleague or union representative. External resources may include but are not limited to family, friends, community support programs, or legal counsel.

Vexatious

Allegations brought with malice, intending primarily to embarrass or annoy the individual alleged to have engaged in harassment.

Workplace

Location where University business is conducted such as but not limited to: Athabasca University work locations, offsite meetings, conferences, client locations, social situations related to work, or an employee's home if they are real or implied consequences related to the workplace.

Policy Statements

Athabasca University is responsible for and committed to providing a respectful, safe and healthy workplace. Individuals shall treat each other with respect and utilize effective communication to prevent the development of harassment concerns.

The University is responsible for and committed to providing its employees with harassment education and awareness that defines individual responsibilities, promotes the development of respectful relationships and communication, and outlines the harassment complaint process. The University is responsible for and committed to ensuring that contractors and others contributing to



University Activities, or acting on behalf of the University, are made aware of this Policy.

The University is responsible for and committed to providing a consistent, respectful and confidential process for addressing concerns of harassment. The harassment complaint process shall involve the progressive steps of informal resolution, mediation and investigation. The University shall ensure that all individuals involved in the harassment complaint process be treated equally and have access to support resources. All parties involved shall fully participate in the harassment complaint process as required.

Harassment will not be tolerated. Where harassment is evident, such individuals if employed by the University, shall be subject to discipline up to and including termination, and if not employed by the University, may be subject to refusal of or removal of services or termination of contract. Further, the University reserves the right to pursue other remedies against any individual found to have engaged in harassment.

The University will not tolerate any acts of violence or threatening behaviors and will exercise measures, as necessary, as per the Prevention of Workplace Violence policy.

Exercising Academic Freedom shall be performed in a respectful and professional manner. An individual exercising academic freedom is not committing an act of harassment unless the manner in which the Academic Freedom is exercised can reasonably be deemed to fit the definition of harassment.

Confidentiality shall be maintained at all times by all individuals involved in a harassment complaint process to the extent possible consistent with providing a fair process and ensuring those with a need to know of a complaint have the information necessary to fulfill their responsibilities. Documentation shall be retained within Human Resources. Failure by University employees to maintain confidentiality may result in discipline up to and including termination and failure to maintain confidentiality by persons not employed by the University may result in refusal of or removal of services or termination of contract. Further, the University reserves the right to pursue other remedies against any individual found to have breached confidentiality.

While allegations of harassment will be treated as serious, any frivolous or vexatious allegations by University employees shall be subject to discipline up to and including termination and frivolous or vexatious allegations by persons not employed by the University may be subject to refusal of or removal of services or termination of contract. Further, the University reserves the right to pursue other remedies against any individual found to have made frivolous or vexatious allegations of harassment.

Applicable Legislation and Regulations

[Alberta Freedom of Information and Protection of Privacy Act \(FOIP\)](#)

[Alberta Human Rights Act](#)

[Post-Secondary Learning Act](#)

[Provincial Occupational Health and Safety Act, Regulation and Code\(s\)](#)

[AUPE/The Governors of Athabasca University \(the Board\) Collective Agreement](#)

[CUPE/The Governors of Athabasca University \(the Board\) Collective Agreement](#)



Related References, Policies, Procedures and Forms

[Addressing Concerns of Harassment by University Employees and Representatives Formal Harassment Complaint Form](#)

[Addressing Concerns of Harassment by University Employees and Representatives Procedure](#)

[Code of Conduct Policy](#)

[Non-Academic Misconduct Policy](#) (Academic, students)

[Prevention of Workplace Violence Policy](#)

[Protected Disclosure \(Whistleblower\) Policy](#)

[Protection of Privacy Policy](#)

History

The Governors of Athabasca University, June 12, 2015 Motion # 199-06 (Approved)