
Addressing Concerns of Harassment by University Employees and Representatives Procedure

Policy Sponsor:	Vice President, Finance and Administration
Name of Parent Policy:	Addressing Concerns of Harassment by University Employees and Representatives Policy
Policy Contact:	Director, Human Resources
Procedure Contact:	Director, Human Resources
Effective Date of Procedures:	June 12, 2015
Review Date:	Annually

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

Complainant Individual who believes they have been a victim of or witness to harassment, based on the definition as outlined in this procedure.



Complaint	Formal, written allegation of harassment submitted under the Addressing Concerns of Harassment by University Employees and Representatives Policy.
Corrective Measures	Measures implemented during or as a result of the harassment complaint process to mitigate concerns
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	<p>Inappropriate or unwanted conduct, comment, display, action or gesture by an individual(s)</p> <ul style="list-style-type: none">(i) that either:<ul style="list-style-type: none">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 ; orb) 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:<ul style="list-style-type: none">c) adversely affects another individual's psychological or physical wellbeing; ord) affects that individual's ability to effectively perform work duties; ore) 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.
Interim Measures	Actions taken throughout a harassment complaint process to ensure the health, safety, and confidentiality of individuals involved in the process.
Mediation	Conflict resolution process where a neutral person assists disputing parties to resolve conflict and find a resolution.
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 behaviour.
Respect	Personal accountability and shared responsibility through words and actions that acknowledge the feelings, choices and rights of oneself and others.
Respectful Workplace	Workplace that promotes and maintains a culture of civility, respect, dignity and diversity through the thoughtful and intentional action of every member of Athabasca University.
Respondent	Individual who has been accused of harassment, based on the definition as outlined in this procedure.
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 University 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.
Witness	Any person who has observed behaviour(s) of an individual that may be deemed as 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 there are real or implied consequences related to the workplace.

Procedure

1.0 Responsibilities

1.1 Confidentiality

1.1.a. Confidentiality shall be maintained at all times by all individuals involved in the process, as outlined in this procedure, with information regarding any allegation of harassment being made available only to those with a need to have that information to fulfill their responsibilities under this procedure, and to ensure a fair process.

1.1.b. Documentation shall be retained within Human Resources.

1.1.c. Failure by University employees to maintain confidentiality may result in discipline up to and including termination. Failure to maintain confidentiality by persons not employed by Athabasca 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.

1.2 University Officer (Executive Officer / Associate Executive Officer / Director / Dean)

1.2.a. Foster, promote and support a respectful, safe and healthy place to work.

1.2.b. Participate in the harassment complaint process as required and ensure implementation of interim and/or corrective measures.

1.3 Director of Human Resources (or designate)

1.3.a. Ensure the health and safety of employees.

1.3.b. Foster, promote and support a respectful workplace.

1.3.c. Ensure employees are provided with education and awareness that defines individual responsibilities, promotes the development of respectful relationships and communication, and outlines the harassment complaint process, including harassment prevention, identification and response.

1.3.d. Manage the harassment complaint process.



1.4 Supervisor

- 1.4.a. Ensure the health and safety of individuals at Athabasca University.
- 1.4.b. Foster, promote and support a respectful workplace.
- 1.4.c. Ensure employees under their supervision participate in harassment education and awareness initiatives.
- 1.4.d. Ensure contractors and others contributing to university activities, or acting on behalf of the University, are made aware of the Addressing Concerns of Harassment by University Employees and Representatives Policy and Procedure.
- 1.4.e. Participate in the harassment complaint process, as required, and ensure implementation of interim and/or corrective measures.
- 1.4.f. Seek guidance and advice from Human Resources, as needed, throughout the harassment complaint process.

1.5 Individual

- 1.5.a. Take reasonable care to protect the health and safety of themselves and others.
- 1.5.b. Foster, support and promote a respectful workplace through respectful conduct and treatment of others.
- 1.5.c. Participate in harassment education and awareness initiatives provided by Athabasca University.
- 1.5.d. Take steps to prevent the development of harassment concerns through effective communication and reporting concerns to one's supervisor or Human Resources.
- 1.5.e. Individuals as a complainant, respondent or witness shall participate in the harassment process as outlined in this procedure.
- 1.5.f. May exercise their ability to utilize Support Resources throughout the harassment complaint process.
- 1.5.g. Either the Complainant or Respondent or both must be employed by Athabasca University.



2.0 Informal Complaint Management

- 2.1 A Complainant(s) with concerns of harassment shall make every effort to document relevant factual details, including but not limited to events, dates, times, verbal exchanges, discussions, written or electronic correspondence.
- 2.2 The Complainant(s) shall approach the Respondent(s) informally, in a respectful manner, to discuss the concerns and indicate the actions or behaviours are inappropriate or unwanted. The Respondent(s) shall be provided an equal opportunity to respectfully engage in the discussion and provide their point of view. Should a resolution be reached during this informal discussion(s), the matter shall be considered resolved.
- 2.3 If the Complainant(s) does not feel safe discussing the concern with the Respondent(s), or if a resolution was not reached, the Complainant(s) and/or Respondent(s) shall report the concern to their Supervisor or Human Resources.
- 2.4 The Supervisor(s) and/or Human Resources shall meet with the Complainant(s) and Respondent(s) in an effort to resolve the concern informally. Should a resolution be reached during this informal discussion the matter shall be considered resolved.
- 2.5 This process may require a follow-up discussion(s) with the Supervisor(s) and/or Human Resources and applicable parties to ensure the resolution is working effectively.
- 2.6 At any point during the informal harassment complaint process, the Supervisor and/or Human Resources and appropriate University Officer when required (see [Appendix A](#)), may implement interim and/or corrective measures to ensure the health, safety and confidentiality of individuals involved in the process and, if warranted, apply disciplinary action, up to and including termination.
- 2.7 Documentation should be retained by the individuals involved. Where interim and/or corrective measures have been applied, applicable documentation shall be retained by Human Resources. Where disciplinary action up to and including termination has been applied, documentation shall be retained on the employee's personnel file.

3.0 Formal Harassment Complaint Submission

- 3.1 If no resolution is reached informally or the alleged harassment continues, the Complainant(s) may file a formal harassment complaint to the Director of Human Resources (or designate) or an Executive Officer if the Director of Human Resources is the subject of the complaint, using the Addressing Concerns of Harassment by University Employees and Representatives Formal Harassment Complaint Form.
- 3.2 The Director of Human Resources (or designate) shall review the complaint and assess if the details of the allegation meets the definition of harassment, as outlined in this procedure.



- 3.3 The next step following the filing of a harassment complaint is Mediation.
- 3.4 At any point during the harassment complaint process the Director of Human Resources (or designate) and appropriate University Officer (see [Appendix A](#)) may implement interim measures to ensure the health, safety and confidentiality of the Complainant(s), Respondent(s) and/or Witness(es).
- 3.5 Formal harassment complaints that do not meet the definition of harassment as outlined in this procedure will be referred back to the informal process.

4.0 Mediation

- 4.1 The Director of Human Resources (or designate) shall notify the Complainant(s), Respondent(s) and appropriate University Officer (see [Appendix A](#)) that a harassment complaint has been submitted and is being referred to mediation. A copy of the harassment complaint shall be included in the notification.
- 4.2 The Complainant(s) and Respondent(s) shall indicate refusal or acceptance of the mediation process to the Director of Human Resources (or designate) within 10 working days of the date the harassment complaint was submitted.
- 4.3 Should the Complainant(s) and Respondent(s) agree, mediation shall proceed.
- 4.4 Should the Complainant(s) or the Respondent(s) refuse mediation, the harassment complaint shall be referred to Investigation (see 5.0 Investigation).
- 4.5 The Director of Human Resources (or designate) shall appoint a mediator.
- 4.6 The Complainant(s) and Respondent(s) shall participate in mediation.
- 4.7 Should a resolution be reached during mediation, the Complainant(s) and Respondent(s) shall agree to the resolution in writing.
- 4.8 Should a resolution be reached during mediation the mediator shall forward the written resolution to the Director of Human Resources (or designate). The Director of Human Resources (or designate) shall work with applicable parties to implement any corrective measures. The harassment complaint shall then be considered resolved and the matter closed. Documentation shall be retained within Human Resources.
- 4.9 Should a resolution not be reached, the mediator shall notify the Director of Human Resources (or designate) in writing and the harassment complaint shall be referred to investigation.

5.0 Investigation

- 5.1 The Director of Human Resources (or designate) shall appoint either an internal or external investigator.



- 5.2 The investigator shall conduct and complete an investigation in a timely manner and provide in writing a FINAL Report to the Director of Human Resources (or designate), the Complainant(s), and Respondent(s). The Director of Human Resources (or designate) shall review the FINAL report and work with the appropriate University Officer (see [Appendix A](#)) to formulate corrective measures, including disciplinary action, as applicable.
- 5.3 The Director of Human Resources (or designate) shall work with applicable parties to implement the corrective measures, including disciplinary action, as applicable.
- 5.4 The matter shall then be considered closed and documentation retained within Human Resources. Only disciplinary action shall be placed on an employee's personnel file.

6.0 Frivolous or Vexatious Claims

- 6.1 Allegations of harassment that appear to have been made frivolously or with vexatious intent shall be investigated and may be rejected following the investigation. While allegations of harassment will be treated as serious, any frivolous or vexatious allegations by University employees may be subject to discipline up to and including termination. Frivolous or vexatious allegations by persons not employed by AU Athabasca University may be subject to refusal of or removal of services or termination of contract. 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 Policy](#)

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

[Harassment Complaint Form](#)

[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 (associated policy approved)

Appendix A - Addressing Concerns of Harassment by University Employees and Representatives

University Officer Matrix

Department	Applicable University Officer
Faculty of Business	Dean, Faculty of Business
Faculty of Health Disciplines	Dean, Faculty of Health Disciplines
Faculty of Humanities & Social Sciences	Dean, Faculty of Humanities & Social Sciences
Faculty of Science and Technology	Dean, Faculty of Science and Technology
Faculty of Graduate Studies	Dean, Faculty of Graduate Studies
Centre for Distance Education	Chair, Centre for Distance Education
Centre for Learning Accreditation (PLAR)	Associate VP Student & Academic Services
Centre for Learning Design and Development	Associate VP Student & Academic Services
Research Centre	Vice President, Academic
Centre for World Indigenous Knowledge & Research	Vice President, Academic
Supply Management Services/Materials Management	Director, Supply Chain Management
Brand and Marketing <ul style="list-style-type: none"> • Web and Online Strategy • Marketing and Social Media 	Director, Brand and Marketing
Communication <ul style="list-style-type: none"> • Communications • Information Centre 	Director, Communications
Development <ul style="list-style-type: none"> • Fundraising • Events • Alumni Relations 	Chief Development Officer
Partnerships and Student Recruitment <ul style="list-style-type: none"> • Collaborations and Partnerships • Student Recruitment 	Director, Partnerships and Student Recruitment



Facilities & Services	Director, Facilities & Services
Financial Services	Director, Financial Services
Human Resources	Director, Human Resources
IT Delivery	Director, IT Delivery
IT Service Operations	Director, IT Operations
IT Strategy and Planning	Director, IT Strategy and Planning
Institutional Studies	Director, Institutional Studies
Learner Support Services	Director, Learner Support Services
Learning Services – Tutorial	Associate Vice President, Student and Academic Services
Library and Scholarly Services	Director, Library and Scholarly Services
Office of the President	President
Office of the Registrar	Registrar
Office of the University Secretariat <ul style="list-style-type: none">• University Governance• Policy Development• Ombuds Office• Freedom of Information and Protection of Privacy (FOIP)	University Secretary
Office of the Vice-President, Academic <ul style="list-style-type: none">• Faculty of Business• Faculty of Health Disciplines• Faculty of Humanities and Social Science• Faculty of Science and Technology• Faculty of Graduate Studies• Centre for Distance Education• Centre for Learning Design and Development• Centre for World Indigenous Knowledge & Research• Institutional Studies	Vice-President, Academic
Office of the Associate Vice-President, Student and Academic Services <ul style="list-style-type: none">• Learning Services Tutorial• Learning Services Collaborations• Centre for Learning Accreditation (PLAR)• Office of Student Support Services• Office of the Registrar• Library Services• Learner Support Services	Associate Vice-President, Student and Academic Services



<ul style="list-style-type: none">• AU Press	
Office of the Associate Vice-President, Research <ul style="list-style-type: none">• Research Centre	Associate Vice-President, Research
Office of the Vice-President, Advancement <ul style="list-style-type: none">• Marketing and Communication• Development & External Relations• Community & Media Relations• Information Centre	Vice-President, Advancement
Office of the Vice-President, Finance & Administration <ul style="list-style-type: none">• Facilities & Services• Financial Services• Human Resources• Materials Management/Supply Management Services	Vice-President, Finance & Administration
Office of the Vice-President, Information Technology & Chief Information Officer <ul style="list-style-type: none">• IT Strategy and Planning• IT Delivery• IT Service Operations	Vice-President, Information Technology & Chief Information Officer