Discrimination and Harassment – Allegations Against Students Procedure

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<tr>
<th>Office of Administrative Responsibility:</th>
<th>Vice-Provost and Dean of Students</th>
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<tr>
<td>Approver:</td>
<td>Vice-Provost and Dean of Students</td>
</tr>
<tr>
<td>Scope:</td>
<td>Compliance with this University procedure extends to all members of the University community.</td>
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**Purpose**

This procedure applies in cases in which a complaint of discrimination or harassment is brought against a student at the University of Alberta. This procedure also provides guidance for any party involved in such a complaint. The procedure for cases in which a complaint of discrimination or harassment is brought against a faculty or staff member can be found in the Discrimination and Harassment – Allegations Against Staff Procedure.

**Informal resolution** and **formal resolution** procedures for complaints of discrimination and harassment are described in order to ensure an established process for the management and resolution of complaints.

This procedure is guided by the principles of **natural justice** and by the principles that all parties will act in good faith, that the confidentiality contemplated by the process will be maintained and that no complainant or respondent will coerce another party. Examples of coercive behavior include threats and intimidation.

**PROCEDURE**

1. **INFORMAL RESOLUTION**

   Informal resolution processes allow the participants a greater measure of control in the process and in the outcomes than is afforded by formal resolution processes. Depending on the nature of a specific case, informal procedures may not be an appropriate option for parties to pursue.

   Resolution from an informal process may take many forms but the following aspects of the outcome of the process are consistent:

   a. All parties agree to the resolution;
   b. The resolution is documented in writing; AND
   c. The parties take ownership for the resolution and self-enforce the agreement.

   The following list of resources may provide assistance with informal resolution of a discrimination or harassment complaint. Those seeking advice or assistance as it pertains to University policy are encouraged to contact the Office of Safe Disclosure and Human Rights or the Student OmbudService. Parties may contact one or more resource for assistance.

   - The Office of Safe Disclosure and Human Rights
   - Student OmbudService
2. FORMAL RESOLUTION

Any party may choose to engage a formal resolution process for a discrimination or harassment complaint at any time without repercussion. Under no circumstances will the lack of willingness to engage in an informal process or failure to reach an informal agreement be held against any party in a formal resolution. A formal resolution process may also be engaged when a resolution reached through an informal process fails.

The Code of Student Behaviour is the formal resolution mechanism for any complaint of discrimination or harassment raised against a student at the University of Alberta whether that complaint is raised by another student or by any member of the University community.

For further information on both the informal and formal resolution processes, refer to the Discrimination and Harassment Complaint Guideline for Students.

DEFINITIONS

<table>
<thead>
<tr>
<th>Members of the University Community</th>
<th>All employees, (including but not limited to, academic staff, support staff and administrators), adjunct professors, professors emeriti, lecturers, clinical staff, all students (including undergraduate students and graduate students) and postdoctoral fellows.</th>
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<tbody>
<tr>
<td>Discrimination</td>
<td>A distinction, whether or not intentional, based on a characteristic or perceived characteristic referenced in the Protected Grounds that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society.</td>
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<tr>
<td>Harassment</td>
<td>Conduct or comment, either one-time or repeated that:</td>
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<td>------------</td>
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<tr>
<td></td>
<td>a) is demeaning, intimidating, threatening, or abusive; and</td>
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<td></td>
<td>b) is not trivial or fleeting in nature; and</td>
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<td></td>
<td>c) causes offence and should have reasonably been expected to offend; and</td>
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<td></td>
<td>d) serves no legitimate purpose for the work, study or living environment, and</td>
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<td></td>
<td>e) undermines authority or respect in the work, study or living environment, or impairs work or learning performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive work or learning environment.</td>
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Harassment includes bullying, which is a form of aggression that may include physical, verbal, or emotional abuse. Bullying poisons the work, study or living environment of the person it targets. It can include persistent, offensive, abusive, intimidating or insulting behavior, abuse of power, and/or unfair sanctions which make the individual feel threatened, humiliated, and/or vulnerable.

Sexual Harassment may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the work, study or living environment or otherwise leads to adverse consequences for the target of the harassment. It may consist of unwanted sexual attention, sexually oriented remarks or behaviours, or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct, but cannot be trifling. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.

The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.

Racial Harassment involves unwanted or unwelcome comments, conduct or behavior that humiliates, intimidates, excludes and isolates an individual or group by focusing on their race, ethnicity, origin or religion. Overall, racial harassment undermines self-esteem and is a violation of the dignity and security of the individual or group(s) that it targets.

| Informal Resolution | Informal resolutions are those that achieve remedies agreeable to complainants, but do not invoke formal resolution procedures. Informal resolutions involve the relevant parties, and may include coaching, counseling, supporting, mediating, or otherwise facilitating the resolution of the complaint. |
### Formal Resolution

Formal resolutions are effected through procedures described in the disciplinary clauses or grievance procedures of the University’s collective or academic staff agreements with NASA and AASUA, in the Code of Student Behaviour, in the Postdoctoral Fellows Policy or in the procedures linked to the Discrimination, Harassment and Duty to Accommodate Policy.

### Natural Justice

The University of Alberta strives to ensure that the principles of natural justice, as summarized below, apply to the adjudication of disputes between persons or organizations. For a full outline of the principles and how they are applied, employees should consult their applicable collective or academic staff agreement and students should consult the Code of Student Behaviour.

The following principles of natural justice apply to this policy:

- **a)** members of the University are entitled to representation by the Association to which they belong (AAS:UA, NASA, GSA, SU) or, in the case of students, by the Student OmbudService, Student Legal Services or other student advisors during any stage of the process;
- **b)** respondents have the right to know the identity of the complainant and details of a complaint;
- **c)** investigations will normally be completed in a timely manner
- **d)** complainants, respondents and witnesses will have protection from reprisals;
- **e)** complainants and respondents will have the opportunity to present information in support of their positions and to defend themselves against allegations; and
- **f)** complainants and respondents have the right to receive clarification of the investigator’s findings, if needed.

Unless otherwise noted in the applicable collective or academic staff agreement or the Code of Student Behaviour, this policy does not confer any rights upon complainants or respondents to examine or cross-examine witnesses.

### FORMS

Should a link fail, please contact uappol@ualberta.ca. [▲Top]

No Forms for this Procedure
Should a link fail, please contact uappol@ualberta.ca. [▲Top]

Administrative and Professional Officer Agreement (University of Alberta)
Discrimination and Harassment Complaint Guideline for Students (University of Alberta)
Faculty Agreement (University of Alberta)
Faculty Service Officer Agreement (University of Alberta)
Librarian Agreement (University of Alberta)
NASA Collective Agreement (University of Alberta)
Sessional Agreement (University of Alberta)