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Parent Policy: [Discrimination, Harassment and Duty to Accommodate Policy](#)

## Discrimination and Harassment Prevention Procedure

<b>Office of Administrative Responsibility:</b>	Vice Provost and Dean of Students Associate Vice-President, Human Resources, Health, Safety and Environment
<b>Approver:</b>	Vice Provost and Dean of Students Associate Vice-President, Human Resources, Health, Safety and Environment
<b>Scope:</b>	Compliance with this policy extends to <b>members of the University of Alberta community</b> as well as third party contractors, visiting speakers and volunteers

### Purpose

This procedure establishes general responsibilities related to **discrimination** and **harassment** and specific procedures which apply where a **disclosure** or **formal complaint** of discrimination or harassment is brought against a member of the university community.

### Disclosures

The university recognizes the difference between a disclosure and a complaint. The university's response to a disclosure will, to the extent possible, be guided by the wishes of the person who made the disclosure. A disclosure does not initiate a formal complaint or an investigation or resolution process. However, individuals who have made disclosures of discrimination and/or harassment should be made aware of formal complaint processes available to them, in addition to supports and resources.

### Formal Complaint

This procedure also provides guidance for any party involved in a formal complaint. Informal

and formal resolution procedures will be applied according to the university negotiated investigative, disciplinary or grievance procedures as contained in its agreements with the Association of Academic Staff at the University of Alberta (AASUA), the Non-Academic Staff Association (NASA), the Graduate Students' Association (GSA) or in the university's *Code of Student Behaviour*, *Postdoctoral Fellows Dispute Resolution Procedure* and other applicable contracts or policies.

## Procedure to Address Complaints

This procedure is guided by procedural fairness and by the principles that the parties involved in a complaint will act in good faith, that the confidentiality contemplated by resolution processes will be maintained and that no complainant or respondent will retaliate against the other party.

### Retaliation

Retaliation, such as threats or intimidation, against any person involved in a disclosure or a formal complaint (e.g. complainant, witnesses and/or other person) of discrimination or harassment is prohibited. Where it has jurisdiction, the university will investigate all reports of retaliation in accordance with the appropriate complaints processes. Individuals who engage in retaliation may be subject to formal discipline.

In all cases, use of the procedures at the university does not preclude a report to the appropriate law enforcement agency, professional governing body or pursuing any other civil or other remedy available at law.

## Responsibilities

The following parties have specific responsibilities under this procedure.

President, Vice-Presidents, Vice-Provosts, College Deans, Deans, Directors and Chairs are responsible for:

- Educating themselves and **members of the university community** for whom they are responsible about the provisions of the *Discrimination, Harassment and Duty to Accommodate Policy* and associated procedures and supporting awareness about discrimination and harassment issues.
- Responding to and participating in formal and informal processes aimed at resolving complaints of discrimination and harassment and supporting the determined or agreed-upon remedy as appropriate under agreed-upon terms.

The Office of Safe Disclosure and Human Rights (OSDHR) is responsible for:

- Providing advice and information on policies and procedures relating to discrimination and harassment to **complainants, respondents** and members of the university community.

- Providing advice and/or referral services (including, but not limited to AASUA, NASA, Post Doctoral Fellows Association (PDFA), GSA, Office of the Student Ombuds (OSO), Office of the Dean of Students (DoS), Human Resources, Health, Safety and Environment (HRHSE) or external resources including law enforcement and/or the Alberta Human Rights Commission to any member of the university community who discloses a discrimination or harassment problem.
- Developing and implementing an educational framework in consultation with HRHSE focused on preventing discrimination and harassment as well as informing or training members of the university community of the provisions of this procedure. This includes providing guidance on creating a work, study and living environment that is supportive of human rights.
- Monitoring, where possible, the resolution processes engaged under this procedure to ensure they are fair and equitable for all, and expressing any concerns to the appropriate Vice-President.
- Reporting directly to the Office of the Provost and Vice-President (Academic) and submitting an annual report to the General Faculties Council and to the Board of Governors.

Human Resources, Health, Safety and Environment (HRHSE) is responsible for:

- Through HR Partners, providing prevention, corrective action or complaint response resources and advice to university supervisors and employees related to discrimination or harassment policies and procedures.
- Developing and implementing a training program for all university employees and new hires on the specific context of harassment (including violence) prevention.
- Consulting and advising the Joint Health and Safety Committee and other stakeholders on matters related to harassment (including violence) prevention and this procedure.
- Monitoring incidents and the resolution processes under this procedure to ensure that they are in compliance with the procedure, applicable collective agreements and legislative requirements.
- Reviewing this procedure following incidents arising from formal complaints, upon a recommendation from the Joint Health and Safety Committee or every three years, whichever comes first.

## Reporting

### Informal Resolution

The informal resolution processes referred to above 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 resulting 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
- 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:

- The Office of Safe Disclosure and Human Rights (OSDHR)
- Office of the Student Ombuds (OSO)
- Faculty Relations (FR)
- Human Resources, Health, Safety and Environment (HRHSE)
- A Department Chair or Associate Chair, or other official in a department or a College Dean, Dean or Associate Dean, in the case of a faculty without Department Chairs
- Graduate Student Assistance Program
- University Health Centre
- Counseling and Clinical Services
- Sexual Assault Centre
- University of Alberta Protective Services
- Academic Success Centre
- Student Accessibility Services
- International Student Services
- Student Legal Services
- First Peoples' House
- Indigenous Student Services - Augustana
- Chaplains' Association
- Chaplaincy (Augustana)
- Association of Academic Staff University of Alberta (AASUA)
- Non-Academic Staff Association (NASA)
- Postdoctoral Fellows Association (PDFA)
- Graduate Students' Association (GSA)

## **Formal Complaint Reporting and Resolution**

Anyone may choose to engage in a formal resolution process for a discrimination or harassment complaint at any time without retaliation. 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

the informal process fails.

Formal complaints of harassment can be reported/made following the processes outlined within the respective collective agreements noted below.

## **Allegations Against Support, Academic and Other Workers**

### **1. Allegations Against Support Staff**

Resolution procedures for support staff complaints, where the **complainant** and/or the **respondent** is a NASA member, are found in Article 18 of the [Common Provisions of the NASA Collective Agreement](#).

### **2. Allegations Against Academic Staff**

Resolution procedures for academic staff complaints, where the respondent is an AASUA member, are found in [Article 7 of the Common Provisions of the AASUA Collective Agreement](#).

### **3. Allegations Against Other Workers**

Resolution procedures for complaints against employees not part of a bargaining unit as well as academic colleagues, third party contractors, visiting speakers or volunteers.

### **4. Allegations Against Students**

Resolution procedures for complaints of discrimination or harassment against a student at the university, whether that complaint is raised by another student or by any member of the university community, are found in the *Code of Student Behaviour*.

Resolution procedures for complaints against an academically employed graduate student acting in that capacity, are found in the provisions of the Graduate Student Assistantship Collective Agreement.

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

### **5. Allegations Against Postdoctoral Fellows (PDFs)**

Resolution procedures for complaints against postdoctoral fellows are found in the UAPPOL [Postdoctoral Fellow Discipline Procedure](#).

## **Documenting, Investigation and Preventing Discrimination or Harassment**

Matters related to formal complaints of discrimination and harassment and subsequent investigations will be handled in accordance with the applicable formal complaint processes. Written documentation is considered private and confidential and will only be shared with those

individuals tasked with the receipt and disposition of specific complaints, investigations and corrective actions. Written records will be kept to the extent reasonably necessary to support the activities involved in this procedure and will be retained in accordance with university records management policies and procedures.

Should a formal complaint result in an investigation, it will be performed in accordance with the applicable formal complaint process. Investigators will be selected based in accordance with the applicable complaint process and on their competence to effectively perform discrimination or harassment investigations. At the conclusion of their investigation, the investigator will submit a written report of their findings to the university, who will in turn, share with the appropriate parties. The university will consider the findings of the investigator's report and will determine corrective actions in accordance with the applicable formal complaint process.

### **Informing Parties Involved in a Formal Complaint Resolution Process**

Parties involved in a formal complaint resolution will be informed of the results of an investigation and corrective actions taken in accordance with the formal complaint resolution process identified in this procedure. Care will be taken to address the rights of all parties and for the protection of private information.

### **Training and Prevention of Discrimination and Harassment**

In addition to the formal complaint processes described in this procedure, the university will provide mandatory eLearning for university employees and voluntary in person and eLearning training programs, symposia, information sessions, etc. covering topics such as:

- Recognizing discrimination and harassment.
- The university's policies, procedures and tools to respond to, reduce and eliminate discrimination and harassment.
- Responding to disclosures or formal complaints of discrimination and harassment and the units within the university who can provide assistance in addressing discrimination and harassment.
- The relevant parts of the applicable agreements or policies that set out the procedures for investigating and documenting incidents of discrimination and harassment.

Discrimination and harassment will be prevented through a combination of:

- Promotional communications to enhance awareness and understanding of discrimination and harassment **hazards** and controls, including the associated policy and this and other related procedures.
- Provision of individual supports, services and resources available to the community through a variety of university partners.
- Promotion of matters related to equity, inclusivity, diversity, respect, effective

interpersonal relations/communications, psychological health and safety, etc.

- Respectful and civil conversations among university community members to foster beneficial relationships and to act on undesired verbal comments or behaviours.
- Amendments to policy, procedure or practice following investigations or recommendations from the Joint Health and Safety Committee.
- Other measures arising from hazard assessments or as may be deemed necessary to prevent discrimination or harassment.

## Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.		<a href="#">[▲Top]</a>
<b>Members of the University Community</b>	All employees, (including but not limited to, academic staff, support staff, excluded staff and postdoctoral fellows), adjunct professors, professors emeriti, lecturers, clinical staff, all students (including undergraduate students and graduate students), visitors, contractors and members of the Board of Governors.	
<b>Discrimination</b>	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.	
<b>Harassment</b>	<p>A single or repeated incident of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought to reasonably know will or would cause offence or humiliation to a worker or adversely affects the worker’s health and safety, and includes:</p> <ul style="list-style-type: none"> <li>a) Conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation</li> <li>b) A sexual solicitation or advance</li> </ul>	

but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site.

*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 person who is 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 or 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.

<b>Disclose/Disclosure</b>	A verbal or written report or account by any person to a member of the university community that they have experienced discrimination, harassment or failure to accommodate. A disclosure does not initiate a formal complaint or an investigation or resolution process.
<b>Formal Complaint</b>	A written report or statement alleging discrimination, harassment or failure to accommodate made to a university official under a formal university process for the purpose of initiating an investigation and resolution process.
<b>Complainant</b>	A complainant is a person who believes they or another person have experienced discrimination and/or harassment and initiates a complaint against a member of the university community or other individual covered under this policy.
<b>Respondent</b>	A respondent is a member of the university community alleged to have discriminated against or harassed a complainant.
<b>Hazard</b>	A situation, condition or thing that may be dangerous to health and safety.

## Related Links

- [NASA Collective Agreement \(University of Alberta\) \(Parts A, B, C\)](#)
- [AASUA Collective Agreement \(University of Alberta\)](#)
- [Management and Professional Staff \(Excluded\) - Handbook of Terms and Conditions](#)
- [Code of Student Behaviour \(University of Alberta\)](#)
- [Ethical Conduct and Safe Disclosure Policy](#)
- [University of Alberta Sexual Violence Policy](#)
- [Postdoctoral Fellows Dispute Resolution Procedure](#)

If any of the links are broken, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca)

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