

| <b>Addressing Harassment and Violence Procedure</b> |   |                       |                |
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| <b>Parent Policy</b>                                | Harassment, Violence and Sexual Violence Policy                           |                       |                |
| <b>Policy Sponsor</b>                               | Chief Human Resource Officer  | <b>Category</b>       | Administrative |
| <b>Policy Contact</b>                               | Deputy Chief Human Resource Officer                                       | <b>Effective Date</b> | May 8, 2019    |
| <b>Procedure Contact</b>                            | Deputy Chief Human Resource Officer<br>Deputy Provost Academic Operations | <b>Review Date</b>    | May 8, 2024    |

### 1. Purpose

This document outlines the procedures used by the University in responding to Harassment and Violence.

### 2. Scope

This procedure is made under and complements the [Harassment, Violence, and Sexual Violence Policy](#) and applies to all Members of the University Community and to all locations to which that policy applies.

This procedure does not apply to or seek to limit any authorized academic or research projects or purposes that may include topics of Harassment or Violence.

### 3. Definitions

The definitions in this procedure are in addition to those provided for in the [Harassment, Violence, and Sexual Violence Policy](#). In the event of an inconsistency, the definition provided in this procedure applies for the purposes of this procedure.

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| <b>Complainant</b> | A Member of the University Community who believes they have been a victim of, witness to, or who has become aware of Harassment or Violence and has made a Disclosure, Complaint, or taken action towards an Informal Resolution or Mediation. |
| <b>Complaint</b>   | Formal, written allegation of Harassment or Violence under this procedure made by a Member of the University Community.  |
| <b>Disclosure</b>  | The act of telling another individual about an incident of Harassment or Violence to seek support, counselling or  |

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|                            | other services, or to obtain information about formal reporting options.   |
| <b>Executive</b>           | A member of the University Executive including the President, Provosts, Vice-Presidents, Associate Vice-Presidents, the University Secretary and the Chief Human Resource Officer.   |
| <b>Final Report</b>        | A written report providing the conclusions reached by an investigator following an investigation. A Final Report will include established factual findings and analyses, discussions of credibility and reliability where required, assessments of whether there has been a policy or legal breach, conclusions as to each allegation, and recommended outcomes.   |
| <b>Harassment</b>          | <p>Any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows, or ought reasonably to know, will or would cause offence or humiliation to another person or adversely affects another person's physical or psychological well-being.</p> <p>Harassment does not include the reasonable conduct or actions of the University in respect of the management of its Members.</p> <p>Harassment made on the basis of, or in relation to, a person's sexuality is Sexual Harassment.</p> |
| <b>Informal Resolution</b> | <p>An attempt to respectfully address an issue of Harassment or Violence made directly by the person subject of the incident to the person responsible for the incident, in the manner provided for in Section 6.1.</p> <p>An Informal Resolution may be attempted with or without assistance from the University.</p>   |
| <b>Interim Measures</b>    | <p>Non-disciplinary conditions that may be imposed on a temporary basis to create or ensure a safe, healthy and respectful working or learning environment. Interim Measures may be made in response to a Disclosure, informal efforts to resolve an incident, upon receipt of a Complaint, or before, during or after an investigation or mediation.</p> <p>Interim Measures may be imposed where, for example:</p>   |

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|                          | <ul style="list-style-type: none"> <li>i. the alleged conduct would be a significant violation of the <a href="#"><u>Harassment, Violence, and Sexual Violence Policy</u></a>;</li> <li>ii. where the alleged conduct would create an ongoing risk to an individual, the University Community or the reputation of the University; or</li> <li>iii. where necessary to ensure the integrity of an investigation is not jeopardized.</li> </ul> <p>Interim Measures may be imposed to ensure personal safety, prevent retaliation or reprisal, protect confidentiality, minimize disruptions to the learning or working environment, or to preserve the University's ability to respond under the <a href="#"><u>Harassment, Violence, and Sexual Violence Policy</u></a> and its procedures.</p> |
| <b>Mediation</b>         | Conflict resolution process where a neutral person assists disputing parties to resolve conflict and find a resolution.  |
| <b>Member</b>            | Member of the University Community.  |
| <b>Reporting Officer</b> | <p>The person responsible for the receipt of Complaints of Harassment or Violence or Sexual Violence. The Reporting Officer is:</p> <ul style="list-style-type: none"> <li>i. for students, the Provost &amp; Vice President Academic (or their designate);</li> <li>ii. for all others, the Chief Human Resource Officer (or their designate); and</li> <li>iii. if the subject of a Complaint is the usual Reporting Officer, the University Secretary.</li> </ul> <p>In the event that the relevant Reporting Officer or their designate is unavailable, a Complainant can contact:</p> <ul style="list-style-type: none"> <li>i. for students, the Deputy Provost Academic Operations; and</li> <li>ii. for all others, the Deputy Chief Human Resources Officer.</li> </ul>                 |

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| <b>Respondent</b>        | A Member who has been alleged to have engaged in Harassment or Violence.   |
| <b>Sexual Harassment</b> | <p>Any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows, or ought reasonably to know, will or would cause offence or humiliation to another person or adversely affects another person's physical or psychological well-being made on the basis of, or in relation to, a person's sexuality.</p> <p>Sexual Harassment is considered a form of Sexual Violence.</p>   |
| <b>Sexual Violence</b>   | <p>A single incident or repeated incidents of violence, whether physical or psychological, that is threatened, attempted or committed against a person without the person's consent through sexual means, coercion, or by targeting the person's sexuality. Sexual Violence includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• sexual assault;</li> <li>• Sexual Harassment;</li> <li>• indecent exposure;</li> <li>• voyeurism;</li> <li>• degrading sexual imagery; and</li> <li>• distribution of sexual images or video of a Member without their Consent.</li> </ul> |
| <b>Support Resources</b> | <p>Confidential and objective resources that may be utilized for support by a Member affected by Harassment, Violence or Sexual Violence. Support Resources may include:</p> <p>Generally:</p> <ul style="list-style-type: none"> <li>• Alberta Health Services</li> <li>• Alberta Association of Sexual Assault Services</li> <li>• Friends, family, trusted colleagues, legal counsel</li> </ul> <p>Student-specific:</p> <ul style="list-style-type: none"> <li>• Counselling Services</li> <li>• Student Wellness Program (Homewood Health)</li> </ul>   |

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|                             | <p>Employee-specific:</p> <ul style="list-style-type: none"> <li>• Employee Family Assistance Program</li> <li>• A supervisor</li> <li>• A union representative</li> <li>• Human resources department</li> </ul>  |
| <b>University Community</b> | <p>All faculty and staff, students, Board Members, contractors, postdoctoral fellows, volunteers, visitors and other individuals who work, study, conduct research or otherwise carry on business of the University.</p>  |
| <b>Violence</b>             | <p>The threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm.</p> <p>Examples of Violence may include:</p> <ul style="list-style-type: none"> <li>• Physical attack (hitting, shoving, pushing);</li> <li>• Aggression (throwing an object, kicking an object the worker is standing on);</li> <li>• Threatening behavior (shaking of one's fist, wielding a weapon, destroying property or throwing objects);</li> <li>• Verbal or written threats (threatening to induce harm on another through verbal communication, written notes or digital communication).</li> </ul> |

#### 4. Guiding Principles

4.1. This procedure is made under the [Harassment, Violence, and Sexual Violence Policy](#) and is to be read consistent with that policy. This procedure adopts and supports the Guiding Principles of that policy.

#### 5. Reporting Harassment or Violence

5.1. A Member who has been the subject of, or become aware of, Harassment or Violence has several recourses available. The Member may do one or any of the following:

- a) access Support Resources;
- b) make a Disclosure to a Reporting Officer or another trusted individual about the incident and seek advice on how to proceed;
- c) attempt to resolve the incident through an Informal Resolution; and

- d) file a formal Complaint.

5.2. Upon becoming aware of an incident of Harassment or Violence, the University may at any time:

- a) consider and implement Interim Measures; and
- b) choose to initiate an investigation notwithstanding the absence of a formal Complaint.

5.3. A Member with concerns relating to Harassment or Violence is encouraged to make every effort to document relevant factual details, including but not limited to events, dates, times, verbal exchanges, discussions, written or electronic correspondence, and to provide these as part of any Complaint or Disclosure to a University official.

5.4. A person who is not a Member, but who has been the subject of, or become aware of, Harassment or Violence by a Member within the scope of this procedure, may bring their information to the attention of the University through the Chief Human Resource Officer.

## 6. Forms of Reporting

### 6.1. Informal Resolution

- a) A Complainant may approach a Respondent directly, in a respectful manner, to discuss their concerns and to express that the actions or behaviours of the Respondent are objectionable or unwanted. The Respondent 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, the matter shall be considered resolved.
- b) If the Complainant does not feel safe or comfortable discussing the concern with the Respondent directly, if the Respondent disagrees with the Complainant's position, or if a resolution was not reached by approaching the Respondent directly, either a Complainant or Respondent may disclose the incident or allegation to a supervisor, the Deputy Provost Academic Operations, or the Deputy Chief Human Resource Officer.
  - i. A supervisor, Deputy Provost Academic Operations, or Deputy Chief Human Resource Officer receiving the information may do any or all of the following:

- a) take any steps deemed necessary to resolve or facilitate the resolution of the matter informally;
  - b) contact a Reporting Officer for assistance;
  - c) facilitate the matter being escalated to a formal Complaint; and
  - d) as part of any informal resolution reached, require follow-up discussions between the applicable parties to ensure the resolution is working effectively.
- c) An informal effort to resolve a concern does not prevent a Complainant from making a Disclosure or filing a formal Complaint either before, during, or after any attempted Informal Resolution.
- d) If no resolution is reached informally after involving the supervisor, Deputy Provost Academic Operations, or Deputy Chief Human Resource Officer, or if Harassment or Violence persists after a resolution is reached, a Complainant is encouraged to file a formal Complaint.

## 6.2. Formal Complaints

- a) A formal Complaint may be filed by any Member, in writing using the [Formal Harassment, Violence or Sexual Violence Complaint Form](#), to a Reporting Officer. The Reporting Officer is:
- i. for students, the Provost & Vice President Academic (or their designate);
  - ii. for all others, the Chief Human Resource Officer (or their designate); and
  - iii. if the subject of a Complaint is the usual Reporting Officer, the University Secretary.

In the event that the relevant Reporting Officer or their designate is unavailable, a Complainant can contact:

- i. for students, the Deputy Provost Academic Operations; and
  - ii. for all others, the Deputy Chief Human Resources Officer.
- b) Upon receipt of the Complaint, the Reporting Officer will act promptly to:

- i. determine if there is sufficient credibility to the allegation to move forward;
- ii. assess the details of the allegation to determine whether the Complaint meets the definition of Harassment, Violence, or Sexual Violence and whether the persons involved are Members;
- iii. ensure any persons affected are aware of appropriate Support Resources;
- iv. where a Complainant or Respondent is a union member, whether a review of collective agreements or consultation with a union representative is required; and
- v. make necessary arrangements to do any or all of the following as considered appropriate in the circumstances:
  - a) refer the Complaint to be addressed under the [Addressing Sexual Violence Procedure](#) if the allegation involves Sexual Violence;
  - b) attempt an Informal Resolution under Section 6.1(b);
  - c) direct the Complaint for Mediation under Section 6.3;
  - d) appoint an investigator and have an investigation conducted under Section 6.4;
  - e) refer the Complaint to an appropriate authority such as the RCMP or local law enforcement agency;
  - f) communicate to any persons affected to inform them of the next steps; and
  - g) if a Complaint involves the same or substantially the same incident as an ongoing civil or criminal investigation, the University may proceed with its own investigation, or it may choose to defer its process until the civil or criminal investigation is concluded.

### 6.3. Mediation

- a) Where a Complaint of Harassment or Violence has been filed, Mediation is the usual first step.

- b) The Reporting Officer shall notify the Complainant, Respondent and any appropriate Executive that a Complaint has been submitted and is being referred to Mediation. A copy of the Complaint or a summary of the Complaint shall be included in the notification.
- c) The Complainant and Respondent shall indicate refusal or acceptance of the Mediation process to the Reporting Officer within a reasonable time of the Complaint being submitted.
  - i. Should the Complainant and Respondent agree to Mediation, the Mediation shall proceed.
  - ii. Should either the Complainant or Respondent refuse Mediation, the Complaint shall be referred to an investigation under Section 6.4.
- d) Where the parties proceed to Mediation, the Reporting Officer shall appoint either an internal or external mediator. An appointed mediator may adopt any fair process they determine suitable in attempting Mediation.
- e) Where Mediation results in:
  - i. a resolution, the Complainant and Respondent shall agree to the resolution in writing and the mediator shall forward the written resolution to the Reporting Officer; or
  - ii. no resolution, the mediator shall notify the Reporting Officer in writing and the Complaint shall be referred to an investigation under Section 6.4.
- f) Records relating to any Mediation, other than records used without prejudice as part of any Mediation efforts, shall be maintained by the Reporting Officer and retained in the manner provided for in Section 8.4 of the [Harassment, Violence, and Sexual Violence Policy](#).

#### 6.4. Investigation

- a) An investigation shall be initiated upon the appointment of either an internal or external investigator by the Reporting Officer.
- b) Upon initiating an investigation, a document detailing the allegations to be investigated shall be provided to the Complainant and the Respondent.
- c) Any investigation shall respect the principles of procedural fairness. The Respondent will be given an opportunity to respond to the allegations in the Complaint as part of the investigation.

- d) The investigator shall conduct and complete the investigation in a timely manner.
- e) Upon the conclusion of the investigation, the investigator shall complete a Final Report and provide the Final Report to the party who appointed the investigator or to another appropriate University Executive.
  - i. If the investigator does not substantiate any allegation contained in a Complaint, the investigator will also make a determination if the Complaint was made frivolously, vexatiously, or in bad faith, and include that determination in the Final Report.
- f) Upon receipt of the Final Report, the Reporting Officer shall provide to the Complainant and Respondent within a reasonable time, either:
  - i. a copy of the Final Report, or
  - ii. a summary of the Final Report outlining its findings and conclusions.

## 7. Responding to Harassment and Violence

7.1. Upon the conclusion of any Informal Resolution, Mediation, or investigation, the Reporting Officer shall:

- a) work with applicable parties to determine and implement any corrective measures necessary, including any disciplinary action in accordance with the [Harassment, Violence, and Sexual Violence Policy](#);
- b) consider whether a review of the [Harassment, Violence, and Sexual Violence Policy](#) or this procedure are necessary to prevent the reoccurrence of the same or similar incident as the one investigated;
- c) review, revise, or cancel any Interim Measures implemented;
- d) make any notifications or communications to any Members or persons affected as determined necessary; and
- e) arrange for any relevant documentation to be retained.

7.2. An incident leading to an Informal Resolution or a Complaint shall be considered closed by the University upon the conclusion of Section 7.1, except where:

- a) a related investigation is ongoing by either the University or another authority; or

- b) where the Reporting Officer determines further actions are necessary before the matter is said to be concluded.

**8. Applicable Legislation and Regulations**

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

[Alberta Human Rights Act](#)

[Canadian Human Rights Act](#)

[Charter of Rights and Freedoms](#)

[Criminal Code of Canada-R.S.C., 1985, c. C-46 \(Section 153.1\)](#)

[Post-Secondary Learning Act](#)

[Alberta Occupational Health and Safety Act](#)

[Occupational Health and Safety Regulation](#)

[Occupational Health and Safety Code\(s\)](#)

**9. Related Procedures/Documents**

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

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

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

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

[Code of Conduct for Members of the University Community](#)

[Harassment, Violence, and Sexual Violence Policy](#)

[Addressing Sexual Violence Procedure](#)

[Formal Harassment, Violence and Sexual Violence Complaint Form](#)

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

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

[Protection of Privacy Policy](#)

**History**

| <i>Date</i> | <i>Action</i>                    |
|-------------|----------------------------------|
| May 8, 2019 | Executive Team (Policy Approved) |