

1.0 POLICY

Grant MacEwan University is committed to maintaining an educational and working environment that is free from all forms of harassment. Harassment is a serious offense that will not be tolerated and it is the responsibility of all administration, faculty, staff and students to create an environment that is free of harassment.

MacEwan recognizes its responsibility to deal efficiently, effectively and fairly with allegations of harassment. The reporting of all incidents of harassment, regardless of who the potential offender may be, is encouraged.

2.0 RATIONALE AND GUIDING PRINCIPLES

2.1 Purpose

The purpose of this policy is to communicate MacEwan's commitment to the maintenance of a workplace that is free from harassment and to clarify the principles and regulations supporting this commitment.

2.2 Rationale and Guiding Principles

2.2.1 Each member of the MacEwan community has the right to learn and work in a respectful and professional atmosphere which promotes equal opportunities and prohibits discriminatory practices and harassment.

2.2.2 MacEwan encourages early resolution of cases where harassment has been alleged.

2.2.3 If other MacEwan policies or regulations are in conflict with this policy, as decided by a Resolution Advisor in consultation with the accountable executive officer, this policy takes precedence.

3.0 SCOPE AND DEFINITIONS

3.1 Scope

This policy applies to all members of the MacEwan community. The jurisdiction of the policy covers MacEwan functions and persons performing duties for MacEwan and all learners engaged with MacEwan, whether on or off campus, and during working and non-working hours as long as there is a relationship between these matters and MacEwan activities.

3.2 Definitions

3.2.1 **Administrative staff** means employees designated as executive officers, officers, and administrators as outlined in relevant Board Employment policies.

3.2.2 **Bullying** is a form of harassment which includes but is not limited to direct behaviours such as teasing, taunting, threatening, and hitting that are

initiated by one or more individuals against a person or group; or indirect behaviours such as intentional exclusion and spreading of rumours. A component of bullying is that the physical or psychological intimidation may occur over time, creating an ongoing pattern of harassment and abuse.

- 3.2.3 **Complainant** is a person who (or group which) has allegedly been harassed, sexually harassed, bullied or discriminated against and where recourse is sought pursuant to this policy.
- 3.2.4 **Confidentiality** means ensuring that information is accessible only to those authorized to have access. In relation to individuals it is the duty to respect privacy.
- 3.2.5 **Discrimination** (for the purpose of this and related policies) means differential treatment, whether intentional or not, of an individual or group of individuals which is based, in whole or in part, on one or more than one of the protected grounds identified in the Alberta Human Rights Act; and which has an adverse impact on an individual or group of individuals, (subject to the good faith, reasonable and justifiable defenses outlined in the Act).
- 3.2.6 **Executive officer** means the president, vice presidents and equivalent positions.
- 3.2.7 **Formal complaint** is a written complaint where the Complainant alleges that offensive behaviour referenced in this policy has occurred. The Resolution Procedures associated with this policy set out the information that must be included in a formal complaint.
- 3.2.8 A **group** is an organized club or association, or a number of students and/or employee(s) who see themselves as having some identifying element in common.
- 3.2.9 **Harassment** is defined as the abusive, unfair or demeaning behaviour towards a person or group that has the purpose or effect of interfering with a person's or group's status or performance, or creating a hostile or intimidating work or learning environment. Incidents of harassment may involve the abuse of power one individual has over another. Legitimate and reasonable efforts conducted to address performance or behavioral issues do not constitute harassment. Harassment can take place in person, on the telephone, in writing or other tangible media, or through electronic means such as electronic mail, chat rooms, blogging, and other forms of electronic communication.
- 3.2.10 **Informal concern** describes concern about an offensive behaviour defined in this policy and expressed verbally to a Resolution Advisor.

- 3.2.11 **Members of the MacEwan community** are those persons involved in conducting University affairs or using University property (all students, employees, contractors, and all visitors while they are on MacEwan property or are using MacEwan property).
- 3.2.12 **Officer** means the president, vice presidents and equivalent positions, deans, directors and equivalent positions.
- 3.2.13 A **person** is one or more individuals.
- 3.2.14 **Resolution Advisor** is an employee or resource of MacEwan who has been appointed to resolve informal concerns/complaints, to mediate, and/or to receive formal complaints.
- 3.2.15 **Retaliation** means to hurt somebody (or attempt to hurt somebody) in return: to deliberately harm somebody (or attempt to harm somebody) in response or revenge for an action (perceived harm) he or she has done.
- 3.2.16 **Sexual harassment** is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature. Incidents of sexual harassment would include but are not limited to situations when:
- 3.2.16.1 Such conduct has the purpose or effect of interfering with an employee's work performance or a student's academic performance, or creating an intimidating, hostile, or offensive working or learning environment; or
- 3.2.16.2 Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or of the teaching and learning process; or
- 3.2.16.3 Submission to or rejection of such conduct is used in employment or academic decisions affecting that employee or student.
- 3.2.16.4 Examples of sexual harassment can include comments or conduct of a sexual nature such as pinching, patting, touching or leering, "dirty" jokes, pictures or pornographic materials, comments, suggestions, innuendos, requests or demands of a sexual nature.
- 3.2.16.5 The behaviour need not be intentional in order to be considered sexual harassment.
- 3.2.17 **Supervisors** are those individuals who have been delegated supervisory responsibility for others working at MacEwan.

4.0 REGULATIONS

- 4.1 MacEwan respects and fulfills its legal and contractual obligations. In the event of a conflict or inconsistency between this policy statement and a provision in the relevant Acts or Collective Agreements, the provisions of the Acts and Agreements shall apply.
- 4.2 The executive officer responsible for University Services is accountable for executive oversight of this policy as it applies to employees of MacEwan.
- 4.3 The executive officer responsible for Student Services is accountable for executive oversight of this policy as it applies to students.
- 4.4 The officer responsible for University human resources is responsible for the communication, and implementation regarding this policy for employee related matters. This responsibility includes developing related procedures and programs to support MacEwan's efforts to eliminate harassment from the workplace.
- 4.5 Administrative staff and supervisors are responsible for supporting a culture that is free from harassment, sexual harassment, bullying and discrimination and for ensuring that these offensive behaviours are dealt with in the timeliest manner possible.
 - 4.5.1 Administrative staff and supervisors who observe or otherwise are made aware of offensive behaviours as defined in this policy shall seek early advice from a Resolution Advisor.
- 4.6 All employees and students share responsibility for sustaining an environment that is diverse, respectful, free from harassment and protects the human rights of all members of the MacEwan community.
- 4.7 MacEwan encourages early resolution of harassment matters defined in this policy and shall appoint a Resolution Advisor (and may appoint others) to help resolve concerns relating to harassment, sexual harassment, bullying and discrimination.
 - 4.7.1 At any point during the process interim steps may be taken by the University to help resolve related concerns.
- 4.8 Where it is substantiated that harassment, sexual harassment, bullying or discrimination has occurred, the University may take disciplinary action as deemed appropriate and in accordance with employment policies, collective agreements, and/or policy E3102 Student Discipline, as applicable.
- 4.9 If at any point the Resolution Advisor believes that an informal concern or formal complaint is fraudulent and/or malicious, or if the Resolution Advisor believes that there is or has been retaliation, the Resolution Advisor may refer the matter to the officer responsible for implementation of this policy.
- 4.10 A person who (or group which) has allegedly been harassed, sexually harassed, bullied or discriminated against also has the right to contact the Alberta Human

Rights Commission and/or the Police to file a complaint. When circumstances warrant, in the opinion of the officer responsible for implementation of this policy and in consultation the relevant executive officer, a report may be filed by MacEwan with the Police.

- 4.11 During or at the end of any resolution process, complaints may be subject to legal process, or involvement of the Alberta Human Rights Commission or Police.
- 4.12 MacEwan urges Complainants and Respondents and others involved in the process to maintain confidentiality during any informal or formal resolution process. Receipt of complaint information does not authorize the recipient to further distribute information relating to a complaint.
 - 4.12.1 A person who believes that his or her own personal information has been collected, used or disclosed in contravention of Part 2 of the Alberta Freedom of Information and Protection of Privacy (FOIP) Act may refer the matter internally to the MacEwan Information and Privacy Office and/or may ask the Alberta Information and Privacy Commissioner to review the matter.
- 4.13 Responsibility for compliance with MacEwan policies and procedures extends to all members of the MacEwan community. Non-compliance may create risk for MacEwan and will be addressed accordingly (see clause 5.4.1 "Respect for the law and University governance" of the University's policy D1200 Code of Conduct – Employees for additional guidance.).

FACT SHEET

Relevant Dates

Approved: 2010.05.04
Effective: 2010.05.04
Next Review: 2015.04

Source

Modification History:

91.06.20 Approved, in principle, by Board Motion 15-12-90/91. Referred to Academic Council as information and for comment.

91.09.19 Approved for implementation by Board Motion 6-02-91/92. Academic Council received the Policy as information on 91.09.10.

01.07.05 Updated terminology (Grant MacEwan College, Chair).

03.02.01 Format updated.

07.06.14 Revisions to Policy recommended by Board Human Resources Committee and approved by Board Motion 0-06-14-2006/07.

2010.05.04 Revisions approved by Executive Committee May 4, 2010.

Accountability

Office of Accountability: Vice President, University Services (for employees)
Vice President, Student Services (for students)

Office of Administrative Responsibility: Director, Human Resources (for employees)
Vice President, Student Services (for students)

Approved By: Board of Governors

Contact Area: Human Resources (for employees)
Vice President, Student Services (for students)

Authority: Alberta Human Rights Act
Alberta Freedom of Information and Protection of Privacy (FOIP) Act
MacEwan Values Statement

Related and Associated Matters

Associated Policies & Procedures: D1100 Respectful Workplace; D1000 Employee and Labour Relations; also see Harassment Procedures and Administrative Guidelines: Sections regarding

Harassment

D1125

Resolution Procedures; Content of Formal (written) Complaint; Elements of Fair Process; Checklist of Key Policy Elements; Designated Student Services Officers.

Related Policies: D1020 Employment Policy for Administrative Support & Supervisory Personnel; D1030 Employment Policy for Administrators; D1040 Employment Policy for Officers (Associate Vice Presidents, Directors, Deans and Equivalent Positions); D1050 Employment Policy for Executive Officers; D1190 Access to Personnel Files: Release of Information; D6010 Use of Computer Facilities and Information Resources; D7220 Records and Information Management; D7230 Information Security Policy; D7225 Electronic Mail Policy; D7030 Emergency Preparedness; D1205 Conflict of Interest and Commitment; D1120 Duty to Accommodate Employees and Protected Grounds; E3400 Students with Disabilities; E3102 Student Discipline; E3101 Student Rights and Responsibilities; E3103 Student Appeals; E1050 Student Records; D7310 Legal Costs

Also see:

Residence Handbook

Faculty and Staff Agreements

SRC Counselors Consent for Guidance Forms

Emergency Preparedness Plan