

1.0 POLICY STATEMENT

- 1.1 MacEwan University (the “University”) recognizes that each Member of the University Community has the right to learn and work in a respectful and professional atmosphere that promotes equal opportunities and prohibits discriminatory practices. Harassment and Violence are serious matters and will be treated as such. All Members of the University Community are responsible for creating an environment that is free of Harassment and Violence. The reporting of all incidents of Harassment and Violence is encouraged.

2.0 PURPOSE

- 2.1 MacEwan has a responsibility to deal efficiently, effectively and fairly with allegations of Harassment and Violence. This policy outlines the provision of support for Members of the University Community affected by Harassment or Violence and informs Members of the University Community about associated behavioural expectations.

3.0 APPLICABILITY

- 3.1 This policy applies:
- i. To all Members of the University Community; and
 - ii. To risks, threats and incidents of Harassment or Violence that occur during the course of any University-sponsored event or activity; on University premises and other work, study, social, recreational and living sites, and in virtual environments such as electronic or social media under the University’s control.
- 3.2 This policy does not apply to incidents of Sexual Violence that are included within the scope of the Sexual Violence Policy and Responding to Sexual Violence Procedure.

4.0 DEFINITIONS

Complainant

A person who files a Complaint against a Respondent.

Complaint

A report of Harassment or Violence submitted to the University in accordance with this policy and the Responding to Harassment and Violence Procedure.

Corrective Measure

A measure taken and/or hazard control implemented to prevent an incident from reoccurring.

Harassment

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 a student, employee, contractor, or volunteer, or adversely affects the student, employee, contractor, or volunteer’s health and safety, and includes:

- i. 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; and
- ii. A sexual solicitation or advance;

but excludes any reasonable conduct of an employer or supervisor in respect of the management of employees, contractors, or volunteers on the University’s premises.

Interim Measures

Non-disciplinary actions taken during an investigation or proceeding to ensure the safety of the Complainant or of the University’s learning, working and residence environment, to discourage or prevent Retaliation, and preserve the University’s ability to conduct a thorough investigation.

Members of the University Community

Those persons involved in conducting University affairs including all registered students, employees, volunteers, contractors and University governance.

Respondent

A Member of the University Community against whom a Complaint has been filed in accordance with this policy and associated procedures.

Retaliation

Any adverse action or threat of an adverse action made against a Member of the University Community because that person has filed a Complaint, supported the filing of a Complaint, disclosed information to the University about a Complaint, and/or participated in an investigation of a Complaint.

Violence

The threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm and includes domestic or sexual violence.

5.0 POLICY ELEMENTS

5.1 General Prohibitions and Responsibilities

- 5.1.1 The University will take measures to foster an environment that is free from Harassment and Violence and to promote the safety, well-being, and human rights of all Members of the University Community.
- 5.1.2 No person may engage in any form of Harassment or Violence against another person during the course of any University-sponsored event or activity, while on University premises and other work, study, social, recreational and living sites, or while in virtual environments such as electronic or social media under the University’s control.
- 5.1.3 All Members of the University Community who are affected by Harassment or Violence are entitled to access support services. Support may include but is not limited to referrals, counselling, medical care, safety planning, or Interim Measures as well as support from the Grant MacEwan University Faculty Association or MacEwan Staff Association, as applicable.
- 5.1.4 Interim Measures may include no contact between a Complainant and a Respondent, and/or that the Respondent be removed from classes, the workplace or residence pending the conclusion of an investigation.

5.3 Responding to Harassment and Violence

- 5.3.1 The University will establish procedures to assess threats and respond to incidents of Harassment and Violence.
- 5.3.2 The University will provide comprehensive information about the Complaint process to Members of the MacEwan Community.
- 5.3.3 The University will respond to Complaints in a fair, effective, timely, and unbiased manner.

- 5.3.4 The University will review all Complaints and will investigate to the fullest extent possible given the available information and scope of this policy.
- 5.3.5 Where the person who has experienced Harassment or Violence is a student, the University will strive to act on a Complaint only with the permission of the student, except as outlined in 5.3.7.
- 5.3.6 Where the person who has experienced Harassment or Violence is an employee, the University has an obligation to act on a Complaint but will strive to act in accordance with the employee's wishes with respect to how the Complaint proceeds.
- 5.3.7 The University reserves the right to act or continue to act on a Complaint without the permission of the person who has experienced Harassment or Violence in order to comply with its obligations under this policy or its legal obligations, to ensure fairness to other persons including the Respondent, or if the University believes that the safety of other Members of the University Community or the external community is at risk.

5.4 Retaliation and Good-Faith Complaints

- 5.4.1 It is contrary to this policy for anyone to engage in Retaliation, or threaten to engage in Retaliation, against a Complainant, bystander or any other person.
- 5.4.2 Actions taken by a Member of the University Community against a Respondent outside of an investigation or disciplinary action arising from an investigation are subject to all applicable University policies and collective agreements
- 5.4.3 All Complaints must be made in good faith. Complaints that are found to have been made maliciously (i.e. in bad faith) may result in disciplinary action. Where a Complaint has been made in good faith but cannot be substantiated, disciplinary action will not apply.

5.5 Breaches of Policy

- 5.5.1 The standard of proof for the finding of a breach of this policy is on a balance of probabilities.
- 5.5.2 Any Member of the University Community who is found to have breached this policy may be subject to sanctions and discipline as outlined within applicable University policies and collective agreements.

5.6 Confidentiality

- 5.6.1 All representatives of the University involved in responding to an incident of Harassment or Violence are expected to maintain confidentiality of information as required by the *Freedom of Information and Protection of Privacy Act* (Alberta), other legislation, collective agreements and University policy, and as otherwise appropriate. The University treats Complaints as confidential, subject to the following limitations:
 - 5.6.1.1 When an individual is at imminent risk of harming self and/or others;
 - 5.6.1.2 If there are reasonable grounds to believe that Members of the University Community or wider community may be at risk of harm;
 - 5.6.1.3 In order to promote fairness of process for all parties; or
 - 5.6.1.4 When disclosure of information, reporting and/or conducting an investigation is required by law, by the University's policies, or by an external body with appropriate authority.

5.7 Information Tracking and Retention of Records

- 5.7.1 The Safety and Security department will maintain information on the number of Complaints, the number and results of investigations and the Corrective Measures taken in response to recommendations arising out of investigations.

6.0 ASSOCIATED PROCEDURES

- Responding to Harassment and Violence Procedure

7.0 RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Health, Safety and Environment Policy
- Safe Disclosure Policy
- Sexual Violence Policy
- Student Non-academic Misconduct Policy and Procedure

8.0 ACCOUNTABILITY

Policy Sponsor

Vice-President, Finance and Administration & Chief Financial Officer

Responsible Office

Human Resources
Student Affairs
Safety and Security

9.0 HISTORY

Relevant Dates

Approved: **20.12.10**
Effective: **21.09.01**
Next Review: **26.09**

Modification History

20.12.10: New policy effective September 1, 2021. Replaces Harassment Policy and Violence in the Workplace Policy. Approved by Board motion #05-12-10-2020/21.

21.11.22: Minor revision to update Policy Sponsor. Approved by Policy Sponsor.