

1.0 ASSOCIATED POLICY

- Harassment and Violence Policy

2.0 DEFINITIONS

Activity Lead

The MacEwan employee responsible for leading a MacEwan-sanctioned activity; examples include faculty members while instructing courses or coaches while leading teams during athletics events.

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 procedure and the Harassment and Violence Policy.

Complaint Intake Person

Any of the following persons or resources:

- i. the Respondent's or Complainant's Immediate Supervisor;
- ii. the Respondent's or Complainant's Out of Scope Manager;
- iii. the Student Conduct Officer;
- iv. Security Services; or
- v. ConfidenceLine.

Contract Owner

The individual within the department, faculty or unit which has responsibility to oversee the contract, who has been assigned ownership of a contract and who holds accountability for the monitoring and management of the contract on a go-forward basis.

Corrective Measures

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 a work site.

Immediate Supervisor

Those employees in roles described as or titled as Team Lead, Supervisor, In-scope Manager, Chair, and/or an Out of Scope manager with employees directly reporting to them when there is no intermediary supervisory position.

Interim Measures

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

Investigation Owner

The individual or unit responsible for overseeing the investigative process, and who holds accountability for taking action on the investigation report provided by the Investigator. Where a Respondent is a faculty member, the Investigation Owner will be the Dean. Where a Respondent is staff, the Investigation Owner will be the Out of Scope Manager. Where a Respondent is a student or resident, the Investigation Owner will be the Associate Vice President, Students and Teaching. Where a Respondent is a contractor, the Responsible Unit is the Contract Owner. Where the Respondent is not an employee, a student, a resident, or a contractor the Investigation Owner is the Executive Director, Security Services. Where the Respondent cannot be identified, the Investigation Owner will be the Complainant's Dean or Out of Scope Manager, the Associate Vice President, Students and Teaching, Office of Health, Safety and Environment, or Security Services depending on the Complainant's relationship with MacEwan.

Investigator

The individual assigned to carry out an investigation and who is responsible for providing an investigation report to the Investigation Owner.

Members of the University Community

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

Out of Scope (OOS) Manager

Those individuals who have been delegated managerial responsibility for others working at the University and who are not part of a bargaining unit.

Reporter

An individual who files a Complaint, but who is neither the person who has experienced Harassment or Violence nor the Respondent.

Respondent

A Member of the University Community against whom a Complaint has been filed in accordance with this procedure.

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.

3.0 PROCEDURE ELEMENTS

3.1 Reporting Incidents of Harassment or Violence

- 3.1.1 Where an incident of Harassment or Violence is in progress, Members of the University Community are encouraged to intervene if it is safe to do so. Intervention may include speaking up, offering help, or contacting Security Services if the situation is unsafe.
- 3.1.2 Any Member of the MacEwan University Community who has experienced, witnessed or become aware of an incident of Harassment or Violence is encouraged to file a Complaint and may pursue other options outside of MacEwan policy and procedure.
- 3.1.3 An Immediate Supervisor, Out of Scope Manager or Activity Lead must initiate the Complaint process when they are made aware of incidents of Harassment or Violence within their area of responsibility.
- 3.1.4 Complaints may be filed with any Complaint Intake Point.
- 3.1.5 The University will review all Complaints regardless of when the Harassment or Violence occurred. To conduct an effective investigation, the University encourages the filing of a Complaint soon after the occurrence of Harassment or Violence. Delay in filing a Complaint may impede the University's ability to conduct an investigation or take appropriate action.
- 3.1.6 Anonymous Complaints may be filed through the ConfidenceLine or other means; however, the University may be limited in its ability to respond due to available information.

3.2 Responding to Complaints

- 3.2.1 The Complaint Intake Person will provide information about available support services to the parties involved in the incident. Support services may include counselling through Wellness and Psychological Services or applicable employment benefits, or referrals to community agencies that provide medical, counselling, legal, law enforcement and/or other services.
- 3.2.2 The Complaint Intake Person will document a written record of the Complaint.
- 3.2.3 Within 3 business days of receiving a Complaint, the Complaint Intake Person will determine the appropriate Investigation Owner and provide the Investigation Owner with all relevant information about the Complaint.
- 3.2.4 Within 3 business days of receiving information from the Complaint Intake Person, the Investigation Owner will initiate an investigation. Where the Investigation Owner is a Dean, the Investigation Owner may assign an Investigator to undertake the investigation.
- 3.2.5 Within 3 business days of receiving information from the Complaint Intake Person, the Investigation Owner will conduct and document an assessment of the Complaint and:
 - 3.2.5.1 Determine whether further action on the Complaint will be undertaken based on the matters described in the Complaint by considering whether the Complaint is within the scope of the University's ability to investigate and whether there is enough information to proceed with an investigation; and
 - 3.2.5.2 Impose or facilitate Interim Measures if required.
- 3.2.6 If, after assessing the information with respect to a Complaint, the Investigation Owner determines that no further action will be taken, the Investigation Owner will document the rationale for the decision and will advise the Complainant of the reasons.

- 3.2.7 Where further action is necessary on a Complaint, the Investigation Owner will consult with the General Counsel, where appropriate, and assign an Investigator to conduct the investigation. The General Counsel may transfer ownership of an investigation where deemed appropriate.
- 3.2.8 Within 3 business days of being assigned as the Investigator, the Investigator will commence an investigation.
- 3.2.9 Investigations will be conducted in accordance with the all standards established by the University.

3.3 Resolving Complaints

- 3.3.1 On completion of the investigation, the Investigator will provide a written report of the results to the Investigation Owner for approval.
- 3.3.2 On completion of an investigation, the Investigation Owner will:
 - 3.3.2.1 Subject to any limitations regarding confidentiality or privacy, provide a summary of the results of the investigation to the Respondent and the Complainant.
 - 3.3.2.2 Where a Complaint is founded, take appropriate steps to address the Respondent's behaviour under the applicable policy or collective agreement.

3.4 Confidentiality

- 3.4.1 To the extent possible, the confidentiality and privacy of all persons involved in a report of Harassment or Violence must be strictly observed from the outset of a Complaint being received through to the end of the investigation process and outcome.
- 3.4.2 The Investigation Owner, and Investigator appointed to investigate Complaints are authorized to use personal information, individually identifying information and any other information that is considered necessary to manage and investigate Complaints.
- 3.4.3 The identifying details relevant to an investigation will not be disclosed or discussed with any person other than the Complainant, the Respondent, and those University employees, contractors or advisors who have a legitimate need to know such results in order to perform their duties and responsibilities.

3.5 Conflicts of Interest

- 3.5.1 Members of the investigation team and persons involved in the assessment and review of the Complaint will not, to the extent possible, include any individuals who have a potential, perceived or real conflict of interest in the matter or persons involved in the Complaint.

3.6 Reporting

- 3.6.1 On a quarterly basis, each Investigation Owner will provide to the Safety and Security department a summary report of all investigations conducted under this Procedure during the relevant time period.
- 3.6.2 On a quarterly basis, the Safety and Security department will prepare a summary report of all investigations conducted under this Procedure during the relevant time period for review by executive administration.

3.7 Records Management

- 3.7.1 Each Investigation Owner is responsible for maintaining records related to Complaints including, without limitation, investigation reports and any alternative resolution process reports.
- 3.7.2 Subject to any records retention obligations under University policy, collective agreements or applicable law, records related to discipline or sanctions arising out of Complaints will be maintained by the Human Resources department for employees and the Office of the Associate Vice-President, Students and Teaching for students.
- 3.7.3 All records involving a Complaint and subsequent investigation of Complaints, but not including records related to discipline or sanctions arising out of Complaints, will be kept in a file separate from student academic records and/or employee personnel files; however, all such records may be used for purposes of future disciplinary processes.

4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS

- Legal Hold Procedure

5.0 ACCOUNTABILITY

Responsible Office

Human Resources
Student Affairs
Safety and Security

6.0 HISTORY

Relevant Dates

Approved: **20.11.03**

Effective: **21.09.01**

Next Review: **26.09**

Modification History

20.11.03: New procedure effective September 1, 2021. Approved by President's Policy Committee.

21.11.01: Minor revision to update position title. Approved by Policy Sponsor.