



Professional Working Environment  
Harassment, Discrimination and Bullying Policy  
No. 5/2015  
February 1, 2015

## 1. Purpose

The purposes of this policy are:

- 1.1 To promote and maintain a workplace in which all persons are treated with respect and dignity and free from harassment, discrimination and bullying;
- 1.2 To define and give examples of forms of harassment and bullying;
- 1.3 To outline the roles and responsibilities to ensure a harassment-free environment;
- 1.4 To establish formal and informal procedures for dealing with harassment complaints.

## 2. Scope

This policy applies to all members of Ambrose University. Hereafter called 'Ambrose member'.

Workplace harassment, discrimination and bullying can happen in several settings both on and off campus. For the purposes of this policy, 'workplace' may be considered:

- any location where Ambrose classes or business activities are being carried out (for example, offices, classrooms, campus grounds, cafeterias, meeting rooms and parking lots);
- off-campus such as, but not limited to, Ambrose-related travel, seminars, field trips, training sites, conferences, employee parties, after hour get-togethers.

The procedure outlined below for responding to a complaint of harassment, bullying or discrimination does not eliminate the potential for personal financial liabilities of the Board of Governors, President, Officers, etc., or potential criminal or civil proceedings if the complaint is submitted to the Alberta Human Rights Commission or police.

## 3. Statement

Ambrose is committed to a healthy work environment free from harassment, discrimination and bullying for all students, employees, volunteers and guests. Ambrose considers harassment a serious offence and has developed this policy to prevent physical, sexual, emotional, verbal or psychological harassment. Ambrose does not tolerate any form of harassment, discrimination or bullying that may undermine the respect, dignity, self-esteem, or productivity of any person employed by Ambrose. Complaints made under this policy will be dealt with in a timely and effective manner.

Alleged student to student harassment, discrimination or bullying will be administered as outlined in the Student Handbook.

#### 4. Responsibilities

It is the *responsibility of the President, a Vice President, a Dean, a Director, or any person within Ambrose who supervises one or more employees* to take immediate and appropriate action to report or deal with incidents of harassment or bullying of any type, whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed nor should the Complainant be told to deal with it personally.

The President and his/her Cabinet is expected to lead by modelling appropriate behavior and dealing with all staff and students respectfully. The leadership sets the example for all employees and students to follow.

It is the *responsibility of the President* to ensure that all complaints are responded to according to this policy. The President or his/her representative will act as 'media representative' and is the only Ambrose employee authorized to respond to all enquiries from any media. Employees should refer all media enquiries to the President or his/her representative.

It is the *responsibility of the Director, Human Resource Management (HRM)* to ensure all documentation is complete, kept confidential and made available for any civil or criminal proceeding.

It is the *responsibility of every employee* to conduct herself/himself both professionally and personally in a manner that promotes and maintains an environment in which all persons are treated with respect and dignity and free from harassment, discrimination and bullying.

#### 5. Definitions

**Advisor** – a neutral employee that has management responsibilities (Vice President, Dean, Director of a department, etc.) or a member of the Faculty Professional Employment Issues Committee or a Staff Committee who provides advice and guidance to the Complainant during the informal or formal complaint process.

**Ambrose member** - employee (see below definition), guest or student.

**Bullying or Personal Harassment (Abuse):** a repeated behavior that has an effect of being abusive, insulting, and degrading. Bullying is personal and does not arise because of discrimination based on a protected human right ground.

Personal Harassment and bullying includes any inappropriate conduct or comment by a person towards another that the person knew or reasonably ought to have known would cause the receiver to be humiliated or intimidated. Examples of personal harassment/bullying include public humiliation, personal insults, name-calling, persistent criticism, patronizing behaviour, spreading malicious rumours, sabotaging someone's work, ignoring, isolating, excluding and a constant under evaluation of effort that undermines self-respect or adversely affects work or educational performance or working/learning conditions.

Not every unpleasant interaction, instance of disrespectful behaviour, or workplace conflict is considered bullying. Personal Harassment and bullying excludes any reasonable action taken by a supervisor relating to the management and direction of employees or employees to each other such as expressing differences of opinion, offering constructive feedback/advice on work-related behaviour and performance. It is the supervisor's responsibility to ensure that feedback is provided in a respectful and appropriate manner that does not humiliate or intimidate.

**Complainant** – refers to the individual who has filed a formal or informal complaint under this policy.

**Days** – means ‘business’ days

**Employee** – includes all Ambrose staff, faculty, management, volunteers, contractors, students working on an hourly basis, student leaders, coaches, casual workers, sessional faculty, music teachers and board members.

**Harassment** – unwelcome visual, verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile or offensive work environment because of race, religious beliefs, colour, place of origin, gender, physical or mental disability, age, ancestry, marital status, source of income, family status or sexual orientation. Alberta human rights law prohibits workplace harassment based on these grounds.

Examples of harassment that will not be tolerated are: visual, verbal (including electronic forms) or physical bullying, threats, derogatory remarks, jokes, innuendo or taunts related to any employee's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. Ambrose will not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; and unwelcome invitations or requests, whether indirect or explicit.

Harassment can be a behavior displayed by an individual or by a group. Harassment may occur during one incident or over a series of incidents.

Harassing behaviour does not have to be intentional to be considered harassment. It is the impact of the behaviour on the receiver that is considered.

In dealing with a harassment complaint, it is whether a person knew or ought reasonably to have known that the behaviour would cause humiliation, intimidation and/or embarrassment that are considered.

**Investigator** – refers to an individual named to investigate formal complaints of harassment.

**Respondent** – refers to the individual (or group of individuals) who is alleged to have harassed, discriminated or bullied by the Complainant.

**Sexual harassment** - a form of discrimination based upon gender. It includes any unwelcome sexual advance and/or request for favours; or, other verbal and physical conduct of a sexual nature which creates an intimidating hostile or offensive work environment, especially when:

- such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group;
- submission to such conduct is made a condition of employment or education, either implicitly or explicitly;
- submission to or rejection of such conduct is used as a basis for any employment or education-related decision; or
- such conduct or comment is intended, or has the effect of, interfering with a person’s work or education performance or creating an intimidating, or offensive environment.

Examples of sexual harassment could include but are not limited to:

- verbal: unwelcome remarks, questions, jokes, innuendo or taunting about a person's body, gender, sexual orientation or gender identity, including sexist comments or sexual invitations; verbal bullying or threats of a sexual nature;
- visual: leering, staring or making sexual gestures; display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings;
- physical: unwanted physical contact; intimidation, threats or actual physical assault of a sexual nature; persistent unwanted contact or attention after the end of a consensual relationship; writing sexually suggestive letters, notes, emails, text messages (and any other form of communication); sexual advances with actual or implied work or education-related consequences.

Behaviour does not need to be intentional in order to be considered sexual harassment. Sexual harassment may occur during one incident or over a series of incidents.

Sexual harassment can take place between individuals of the same or different rank or position; it can involve individuals or groups. Both men and women can be the subject of harassment by either gender.

**Student** – an individual registered in a course and/or seminar at Ambrose.

**Witness** – refers to an individual who agrees to provide information about a complaint.

**Workplace** – all locations, during or outside working hours, where the business of Ambrose is conducted or where the reason for meeting is within the course of the employment relationship.

## 6. Procedure

If an Ambrose member believes s/he is being harassed or bullied by an Ambrose member it is important that the impending Complainant takes action as soon as possible. Complaints will be received up until one year following the date of the alleged harassment or bullying.

Complaints by a student alleging harassment or bullying by another student should refer to the Student Accountability Process.

There is an informal and formal harassment/bullying response process. If an informal process does not resolve the conflict, or is not appropriate, a formal process should be initiated.

**Important Note: An individual has the right at any time to contact the Alberta Human Rights Commission to make a complaint of harassment under the Alberta Human Rights Act. A complaint must be made within one year after the alleged incident. Please see: [www.albertahumanrights.ca](http://www.albertahumanrights.ca).**

**Physical and sexual assault, stalking or threats of violence directed towards an employee, his/her family and/or possessions are criminal matters and may be dealt with in two forums: i) the police and Ambrose; or, ii) the police and a complaint filed with the Alberta Human Rights Commission.**

### Informal process:

An informal process may be appropriate in many instances. An informal process may be helpful to facilitate communication, clarify any misunderstandings, and provide information to the Respondent on appropriate actions and behaviours to prevent the offense from continuing or becoming more serious.

The Complainant may discuss his/her case with the Director, Human Resource Management, or any supervisor who has management responsibilities who will act as 'Advisor' during the informal process. In the case a Complainant is a faculty member, s/he may also consult with a member of the Professional and Employment Issues Committee. In the case a Complainant is a staff member, s/he may consult with a member of the Staff Employment Issues Executive. The steps to follow are:

- a) The Complainant bringing the complaint informs the Director of Human Resource Management or an Advisor about the situation. The Complainant should keep a record of incidents (date(s), time(s), location(s), possible witnesses, what happened, etc.). A record of events is not required in order to meet with an Advisor or make a complaint, but a record can strengthen the case and help the Complainant to remember details over time.
- b) The Advisor will help determine if the complaint falls under this policy and, if so, the different options available to resolve the problem.
- c) The Complainant together with the Advisor decides on possible courses of action which may include:
  - i) The Complainant speaking directly with the Respondent;
  - ii) The Complainant meeting directly with the Respondent with the Advisor;
  - iii) The Advisor meeting directly with the Respondent on behalf of the Complainant; or,
  - iv) The Complainant writing a letter to the Respondent explaining the situation and requesting for his/her behaviour to stop.
- d) If the informal process fails to resolve the problem within thirty (30) days, or if the Respondent refuses to participate in the informal process, the Complainant should make a formal complaint. The complaint may be given to one of the following individuals:
  - a. Director, Human Resource Management
  - b. The employee acting as an Advisor (supervisor, PEI Committee member, etc) who then submits it to the Director, HRM
  - c. The Chair, Board of Governors if the complaint is against the President

**Formal process:**

1. The Director, Human Resource Management (HRM) will manage the complaint process. All necessary steps will be taken to resolve the problem quickly. The Respondent will be given a copy of the complaint within five (5) days and will have an opportunity to respond to the allegations within ten (10) days.
2. If necessary, the President may place the Respondent on leave with pay during the investigation process.
3. Within ten (10) days of the Director, HRM receiving the Respondents written statement, the President shall appoint three neutral individuals to be part of an Investigation Committee (the "Committee"). In addition to the three neutral individuals, the Director, HRM will be an additional member of the Committee and will act in the capacity of secretary and advisor to the Committee. If either the Complainant or Respondent is a faculty member, a member of the Professional and Employment Issues Committee shall serve as one member. Both the complainant and the Respondent will be interviewed, as will any witness who may be able to provide relevant information. All information will be kept in confidence.
4. If the allegations involve the President, the Committee will include two members of the Board of Governors with the Director, HRM.
5. The Committee will submit a report with a recommendation to the President within twenty-five (25) days of the investigation being complete. The President will either make a decision or request more information within ten (10) days of receiving the Committee's recommendation. If the investigation reveals evidence to support the complaint of harassment, the President will decide what relief will be

granted to the Complainant. When appropriate, the Respondent will be subjected to disciplinary action, up to and including termination of employment.

6. The incident will be documented in the Respondent's personnel file. No documentation will be placed in the Complainant's personnel file when the complaint has been made in good faith, whether the complaint is upheld or not.
7. Both the Respondent and Complainant will receive a copy of the Investigation Committee's report within ten (10) days of President's decision being made.
8. If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the personnel file of the Respondent.
9. If the complaint is resolved through informal action, no formal record of the names of the parties or the specifics of the complaint will be retained.

## **7. Appeals**

If either the Complainant or Respondent is not satisfied with the outcome of the formal process either party may file an appeal within thirty (30) days of the decision to the President. The appeal must outline the specific nature of the appeal and the desired response. The President will consider the appeal and may consult further with one or more of the following the Chair, Board of Governors, Vice Presidents, Director, HRM, or an external lawyer.

There are no appeals for the informal process.

## **8. Retaliation**

Regardless of the outcome of a harassment complaint made in good faith, the Ambrose member lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation by either co-workers or a supervisor. This includes dismissal, demotion, unwanted transfer, or denial of opportunities within Ambrose or harassment of an individual as a result of s/he having made a complaint or having provided evidence regarding the complaint.

## **9. False Allegation**

Should the Investigative Committee, or the President on appeal, find the complaint to have been made maliciously or in bad faith or that the complaint was made with the intention to misrepresent the truth, the Complainant will be subjected to disciplinary action up to and including termination of employment.

## **10. References**

Alberta Human Rights Act (May 27, 2013) <http://www.qp.alberta.ca/570.cfm>

Human Rights in the Workplace [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

Criminal Code of Canada, RSC, 1985, C-46 [www.canlii.org](http://www.canlii.org)

Bully Free BC [http://www2.worksafefbc.com/pdfs/Bullying/B&H\\_HowToRecognize.pdf](http://www2.worksafefbc.com/pdfs/Bullying/B&H_HowToRecognize.pdf).

## **8. Review**

This President will ensure this policy is reviewed annually.

**9. Approval** - Gordon T. Smith, PhD, President, Ambrose University, January 2015

# Complaint form

Date of Complaint submitted: \_\_\_\_\_

Complainant's name: \_\_\_\_\_

Complainant's title: \_\_\_\_\_

Name of Respondent: \_\_\_\_\_

Type of harassment/bullying: \_\_\_\_\_

\*Summary of complaint (Include concrete details with date, time and place of occurrence(s) and attach supporting documents):

\_\_\_\_\_  
\_\_\_\_\_

Relief requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***I understand and agree that the proceedings of this complaint process are private and confidential. I agree to abide by these provisions and understand that a breach of confidentiality contravenes the Policy and is subject to disciplinary action.***

Signed at \_\_\_\_\_, Alberta, this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Complainant's signature

Note: This form is used only as part of the Formal Harassment, Discrimination or Bullying Process.

## Complaint Response form

I, \_\_\_\_\_ (*name of Respondent*), have read the Complaint of \_\_\_\_\_ (*name of Complainant*), dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year) alleging that I have harassed him/her in contravention of the Ambrose University policy.

I understand that it is my right to be accompanied by a support person of choice, including legal counsel, at any stage of this Complaint process.

My response to the allegation that I harassed \_\_\_\_\_ (*name of Complainant*) on the \_\_\_\_\_ day of \_\_\_\_\_ is as follows (each allegation should be responded to on a separate Response form. If extra space is required, please attach supplemental pages):

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I believe that the following people/attached documents will corroborate my response:

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***I understand and agree that the proceedings of this complaint process are private and confidential. I agree to abide by these provisions and understand that a breach of confidentiality contravenes the Policy and is subject to disciplinary action.***

Signed at \_\_\_\_\_, Alberta, this \_\_\_\_\_ day of \_\_\_\_\_ (year),

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*Respondent's signature*

Note: This form is used only as part of the Formal Harassment, Discrimination or Bullying Process.