



DISCRIMINATION AND HARASSMENT POLICY AND PROCEDURES			
Policy Type	Human Resources	Initially Approved	January 2015
Policy Sponsor	Executive Vice President, Operations	Last Revised	June 2024
Administrative Responsibility	Director, Human Resources	Review Scheduled	As Needed
Approver	President's Cabinet		

Purpose

The purpose of this policy and these procedures are to:

- Promote and maintain a Workplace in which all Employees, Students, Ambrose Community Members, and Campus Visitors are treated with respect and dignity and free from Discrimination and Harassment.
- Define and give examples of Discrimination and Harassment.
- Outline the roles and responsibilities to ensure a Discrimination and Harassment-free Workplace.
- Establish informal and formal procedures for dealing with Discrimination and Harassment Complaints.

Statement

Ambrose University (Ambrose) is committed to a safe and healthy Workplace free from Discrimination and Harassment. Ambrose considers Discrimination and Harassment to be serious offences and has developed this policy and these procedures to educate on what Discrimination and Harassment are and the procedures Ambrose has put in place to address them.

Preventing Discrimination and Harassment in the Workplace is a shared responsibility. Employees, Students, Ambrose Community Members, and Campus Visitors have a responsibility to use appropriate Workplace behaviours and to conduct themselves in a respectful and professional manner. They are encouraged to know and understand this policy to ensure that their behaviour does not contradict this policy.

Complaints made under the policy will be dealt with in a timely and effective manner.

The procedures outlined in this policy for responding to a Complaint do not eliminate the potential for personal financial liability of the Board of Governors, Management, etc. or potential civil or criminal proceedings.

Definitions

Advisor: Management or a member of the Faculty Professional and Employment Issues Committee (for

faculty members) or Staff Committee (for staff members) who could provide advice and guidance to the Complainant during the Informal Complaint procedure.

Ambrose Community Member(s): Board of Governors members, volunteers, and visitors to the Workplace for the purposes of Ambrose-related business (e.g., guest speakers, Ambrose meeting attendees, invited guests, etc.).

Campus Visitors: Members of the surrounding area and broader community (e.g., members of the public who live, work, or go to school in the area, couriers, maintenance contractors, etc.).

Complaint: A statement that a situation is unsatisfactory or unacceptable.

Complainant: An individual who has filed a Complaint.

Days: Business days.

Discrimination: An action, policy, practice, or decision that has a negative effect on an individual or group of individuals that is related to certain personal characteristics, such as race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation. These characteristics are considered protected grounds by the Alberta Human Rights Commission.

Employee(s): Management, faculty members, staff members, fixed term and hourly members, and contractors.

Professional and Employment Issues Committee (PEI): A faculty committee that fosters an accountable, transparent, and professional working environment for faculty members.

Harassment: Unwanted and unwelcome verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performances or creates an intimidating, hostile, or offensive environment in the Workplace. Alberta Human Rights Act prohibits Workplace Harassment based on Discrimination.

Examples of Harassment:

- Preventing a person from expressing themselves.
- Yelling at a person, shouting abuse at a person, threatening, constantly interrupting a person, or prohibiting a person from speaking to others.
- Unwanted sexual advances which may or may not be accompanied by threats or implicit or explicit promises.
- Making rude, degrading, or offensive remarks.
- Making gestures that seek to intimidate.
- Engaging in reprisals for having made a Complaint under this policy.
- Discrediting the person by spreading malicious gossip or rumours, ridiculing them, humiliating them, or calling into question their convictions or private life.
- Knowingly setting the person up for failure.
- Name calling in private or in front of others.

- Isolating the person by no longer talking to them, denying or ignoring their presence, or distancing them from others.
- Destabilizing the person by making fun of their beliefs, values, political and/or religious choices, and mocking their weak points.

Not every unpleasant interaction, instance of disrespectful behaviour, or conflict is considered Harassment. Harassment excludes reasonable action taken to manage and direct an individual or group, such as coaching, expressing differences of opinion, or offering constructive feedback and/or advice on work-related behaviour and performance.

Management: President, Vice President, Dean, Associate Dean, Director, or any person within Ambrose who supervises one or more Employee(s).

Point of Contact: The individual identified as responsible for receiving a Complaint of Discrimination or Harassment as determined by the relationship of the Respondent to Ambrose.

If the Respondent is an Employee or Ambrose Community Member, the Complaint is submitted to the Director of Human Resources and will be investigated in accordance with this policy and/or the Gender-Based and Sexual Violence Policy where applicable.

If the Respondent is Student, the Complaint is submitted to the Vice President of Student Life and will be investigated in accordance with the Gender-Based and Sexual Violence Policy and Community Standards. If the Complaint is related to academic activities within the learning environment, the Complaint is submitted to the Dean or Associate Dean in accordance with the Academic Misconduct and Misconduct in the Learning Environment Policy.

If the Respondent is a Campus Visitor, the Complaint is submitted to the Manager of Health, Safety, and Security and will be reviewed in accordance with Ambrose Health and Safety requirements and associated policies.

Respondent: An individual or group of individuals who is alleged to have discriminated against or harassed the Complainant.

Sexual Harassment: Unwelcome sexual behaviour that adversely affects, or threatens to affect, directly or indirectly. It is usually an attempt by one person to exert power over another person. It can be perpetrated by Employees, Students, or Ambrose Community Members. It is unwanted, often coercive, sexual behaviour directed by one person toward another. It is emotionally abusive and creates an unhealthy and unproductive atmosphere in the Workplace. It may occur during one incident or over a series of incidents. It can take place between individuals of the same or different rank, position, or gender. It can involve individuals or groups of individuals.

Examples of Sexual Harassment:

- Suggestive remarks, jokes, or invitations.
- Verbal abuse.
- Comments about physical appearance.
- Sharing suggestive sexual images.

- Leering or whistling.
- Touching, patting, rubbing, or other unwanted physical contact.
- Outright demands for sexual favours.
- Physical or sexual assault.

Staff Committee: A staff-specific committee that helps to foster an accountable, transparent, and professional environment in the Workplace for staff members.

Student(s): An individual or group of individuals registered in a course, workshop, and/or seminar at Ambrose.

Workplace: Any location both on and off campus where Ambrose classes, business, and/or work-related social activities take place.

- On campus means campus grounds, parking lots, cafeteria, classrooms, meeting rooms, offices, etc.
- Off campus means while traveling, on field trips, at workshops, seminars or conferences, at training sites, attending Employee, Student, or Ambrose Community Member parties and/or after-hour get togethers, etc.

Responsibilities

It is the *responsibility of Management* to take immediate and appropriate action to report or deal with incidents of Discrimination and Harassment whether brought to their attention or personally observed. Under no circumstance should a legitimate Complaint be dismissed or downplayed, nor should the Complainant be told to deal with it personally. Management will ensure that all Complaints are responded to according to this policy and these procedures. Management is expected to deal with Employees, Students, Ambrose Community Members, and Campus Visitors respectfully and to lead by modeling appropriate behaviour.

It is the *responsibility of the Director of Human Resources (HR) and Manager of Health, Safety, and Security (HSS)* to take the appropriate actions to resolve the Complaint by conducting an investigation.

It is the *responsibility of the Director of HR* to ensure all documentation is complete, kept confidential, and made available in any civil or criminal proceeding.

It is the *responsibility of the Director of Communications* to enact the Crisis Communication Plan for all media inquiries. All media inquiries should be directed to the Director of Communications.

It is the *responsibility of Employees, Students, Ambrose Community Members, and Campus Visitors* to conduct themselves both professionally and personally in a manner that promotes and maintains a Workplace in which all persons are treated with respect and dignity and free from Discrimination and Harassment.

Procedures

If an Employee, Student, Ambrose Community Member, or Campus Visitor believes they are being discriminated against or harassed, it is important that the Complainant acts as soon as possible. The Complaint is to be submitted to the appropriate Point of Contact.

Complaints will be received up to one year following the date of the alleged incident(s). In situations where a Complaint is a repeat offence or can be linked to past behaviour concerns that exceed the one-year period, those offences or behaviour concerns may be included in any subsequent investigation process. Extensive delay in making a Complaint could lead to the Complaint not being pursued.

The Complainant should keep a record of the incident(s) (date(s), time(s), location(s), possible witnesses, what happened, etc. A record of incidents is not required but can strengthen the case and help the Complainant remember the details of the incident(s).

There are two procedures for dealing with Discrimination and Harassment Complaints: Informal and Formal. If the Informal procedure does not resolve the conflict or is not appropriate, a Formal procedure will be initiated.

***Important Note:** Employees, Students, Ambrose Community Members, and Campus Visitors have the right to contact the Alberta Human Rights Commission to make a Complaint of Discrimination under the Alberta Human Rights Act. Complaints must be made within one year after the alleged incident.*

Informal Procedure

The Informal procedure can be appropriate in many situations. The Informal procedure may be helpful to facilitate communication, clarify misunderstandings, and provide information to the Respondent on appropriate actions and behaviours to prevent the offense from continuing or becoming more serious.

Steps for an Informal Complaint

The Complainant can inform an Advisor of the incident(s) first or go directly to the appropriate Point of Contact who will work with the Complainant to determine possible courses of action.

Examples of courses of action:

- The Complainant could speak with the Respondent.
- The Complainant with the Point of Contact could speak with the Respondent.
- The Point of Contact could speak with the Respondent on behalf of the Complainant.
- The Complainant could write a letter to the Respondent with details regarding the incident(s), requesting for their behaviour to stop.

A summary of the Complaint and resolution will be maintained.

If the Informal procedure fails to resolve the Complaint within 30 Days or if the Respondent refuses to participate in the Informal procedure, the Complainant should make a Formal Complaint.

Formal Procedure

The Director of HR manages the Formal Complaint procedure.

Steps for a Formal Complaint

1. The Complainant makes a Complaint to the Director of HR who will inform the Respondent of the Complaint.
2. The Director of HR will inform the Manager of HSS who will begin an investigation of the Complaint.

- If the Complaint is made against the Director of HR or Manager of HSS, an external Investigator will be brought in to investigate the Complaint.
 - If the Complaint is made against the President, the Chair of the Board of Governors will assemble a committee to conduct an investigation. The committee will include two members of the Board of Governors and the Director of HR.
3. Both the Complainant and the Respondent as well as any witness(es) who may be able to provide relevant information, will be interviewed by the Manager of HSS as well as an additional neutral party to be determined by the HSS manager in consultation with the Director of HR. If either the Complainant or Respondent is a faculty member, a member of the PEI may serve as the additional neutral party.
 4. The Respondent may be placed on leave with pay during the investigation procedure.
 5. Upon completion of the investigation, the Manager of HSS will create an investigation report to submit to the Director of HR for review.
 6. Upon review of the investigation report, the Director of HR will submit the report with recommendations to the President.
 7. The President will make a decision within 10 Days of receiving the recommendation.

Both the Complainant and Respondent will receive a copy of the investigation report within 10 Days of the decision regarding the Complaint.

If the investigation reveals evidence to support the Complaint, the Respondent will be subject to disciplinary action. In instances of identified misconduct (for faculty members, gross misconduct, as per the Faculty Handbook) termination of employment may occur. 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. If the investigation fails to find evidence to support the Complaint, there will be no documentation concerning the Complaint placed in the Respondent's personnel file.

False Allegations

Should the Director of HR or President 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.

Appeals

There are no appeals for the Informal procedure.

For the Formal procedure, if either the Complainant or Respondent is not satisfied with the decision, either party may file an appeal within 30 Days of the decision. The appeal must outline the specific nature of the appeal and the desired response. In consultation with the Director of HR, the President will review the appeal and make a final decision.

- If an appeal is made by the Director of HR or Manager of HSS, the President will consult with the external investigator. If necessary, an external lawyer will be consulted.

Retaliation

Regardless of the outcome of a Complaint, the Complainant, as well as anyone providing information,

will be protected from any form of retaliation from the Respondent or others.

Related Resources

Academic Misconduct and Misconduct in the Learning Environment Policy: [Academic Misconduct and Misconduct in the Learning Environment](#)

Alberta Human Rights Commission: [Discrimination | Alberta Human Rights Commission](#)

Alberta Human Rights Commission: [Harassment at work | Alberta Human Rights Commission](#)

Alberta Human Rights Commission – Make a Complaint: [Making a complaint | Alberta Human Rights Commission](#)

Classroom Community Standards: [Classroom Community Standards](#)

Community Standards [Community Standards](#)

Emergency Response Plan: [Emergency Response Plan - Employee - July 2023](#)

Gender-Based and Sexual Violence Policy [Gender-Based and Sexual Violence Policy - November 2022](#)