

AUFA Employee Anti-Harassment and Harassment Prevention Policy

1. Definitions

1.1 "Association": the Athabasca University Faculty Association (the Employer)

1.2 "Complainant": an individual who makes a complaint pursuant to the AUFA Employee Anti-Harassment and Harassment Prevention Policy

1.3 "Respondent": an individual against whom a complainant is made pursuant to the AUFA Employee Anti-Harassment Prevention Policy

1.4 "Worker": an individual employed by the Association

1.5 "Member": a member of the Association

1.6 "Investigator": the person who will investigate the complaint (normally the President but see Article 4.1.b below)

2. Purpose

2.1. Every Worker and Member is entitled to work free of harassment.

2.2. The Association must ensure, so far as is reasonably practicable, that no Worker or Member is subjected to harassment in the workplace.

2.3. The Association will take corrective action respecting any person under its direction who subjects a Worker or Member to harassment.

2.4. The Association will also take steps to prevent and correct actions of members of the university community that amount to harassment of a Worker.

2.5. This policy is not intended to discourage or prevent a Complainant from exercising any other legal rights pursuant to any other law. For example, a Worker has the right to file a complaint with the Alberta Human Rights Commission.

3. Harassment in the Workplace Prohibited

3.1. Harassment will not be tolerated in the workplace.

3.2. Harassment is improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment based on any of the prohibited grounds identified under the Alberta Human Rights Code. Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the affected individual. The legitimate and proper exercise of managerial authority or responsibility does not constitute harassment.

3.3. Filing complaints that are frivolous (i.e., clearly without merit) or vexatious (i.e., intended to cause annoyance) is prohibited and may constitute harassment under this policy.

3.4. Retaliating against someone who is involved in a complaint under this policy is prohibited. Such retaliation may constitute harassment under this policy.

3.5. This policy does not apply to complaints of Member-on-Member harassment.

4. Complaint Process

4.1. If a Worker believes they are being harassed or a Member believes they are being harassed by a Worker and informal efforts to resolve the situation are unsuccessful or inappropriate, the Worker or Member may file a complaint with the President of the Association. Should the issue lie with the President, the Worker or Member may contact any other member of the Association's Executive and the Executive shall appoint an impartial Investigator.

4.2. A complaint must be made in writing and should contain all relevant details. The Investigator may ask for more details before investigating a complaint. Upon receiving a complaint, the President will inform the Personnel Committee.

4.3. A complaint of harassment must be filed within twelve months of the last event of alleged harassment leading to the complaint unless there are extenuating circumstances. Allegations can go back further in time to describe incidents or events if the Complainant

can demonstrate that they are directly related to the last event of alleged harassment that led to the complaint.

5. Investigation Process

5.1. When the Investigator receives a complaint that established a prima facie case of harassment, the Investigator will conduct a confidential and expeditious investigation, with particular sensitivity for the Complainant. When a prima facie case of harassment is not present, the Investigator may, in their discretion, seek to resolve the issue through mediation.

5.2. During the investigation, the Investigator may give such directions as necessary to prevent further alleged harassment.

5.3. The Association, the Investigator, the Complainant, and the Respondent will not disclose the name of the Complainant or the Respondent or the circumstances related to the complaint to any third party except where such disclosure is: (i) necessary to investigate the complaint or take corrective action with respect to the complaint and/or (ii) required by law.

5.4. The Investigator will investigate the complaint in any manner they deem appropriate, having regard to the nature of the particular complaint, any admissions made during the investigation, and the principles of natural justice. The latter includes, but is not limited to, the right of the Respondent to know the details of the complaint and the name of the Complainant and to provide the Investigator with a response to the complaint.

5.5. The investigation may include some or all of: (i) Interviewing witnesses; (ii) requesting written statements; (iii) reviewing documents and records (both paper and electronic); and (iv) reviewing photographs, audio recordings, and video recordings.

5.6. Parties to the investigation will be encouraged to fully cooperate in the investigation process and provide any documentation in their possession that is related to the complaint, in order to provide a complete background to the Investigator.

5.7. The results of an investigation will be delivered in writing by the Investigator to the Complainant and Respondent.

5.8. To substantiate harassment allegations, the Investigator must be satisfied that, according to a "reasonable person" standard and on the basis of a balance of probabilities.

- a) The Respondent displayed an **improper and offensive conduct** including objectionable acts, comments or displays, or acts of intimidation or threats, or acts, comments or displays in relation to a prohibited ground of discrimination under the Alberta Human Rights Act;
- b) The behaviour was **directed at** the Complainant;
- c) The Complainant was **offended or harmed**, including the feeling of being demeaned, belittled, personally humiliated or embarrassed, intimidated or threatened;
- d) The Respondent **knew or reasonably ought to have known** that such behaviour would cause offence or harm;
- e) The behaviour occurred in the **workplace or at any location or any event related to work**, including social events; and
- f) There was a **series of incidents or one severe incident** which had a lasting impact on the individual.

6. Resolution of Complaints

6.1. The resolution of the complaint may include, but is not limited to, an apology, reprimand, expulsion from an event, and/or prohibition of entrance to the Association office, including for Association meetings, and otherwise contacting Association staff for a defined period of time. Resolution may also include discipline up to and including termination of any Worker found to have engaged in harassing behaviour(s).

6.2. If during the investigation process, the Complainant and Respondent believe that the complaint can be resolved informally, then upon the consent of the parties, the Investigator will assist in facilitating an informal resolution, which will include setting out the resolution between the parties and detailing how the parties will bring about the resolution.

6.3. A copy of this policy will be posted on the AUFA website and will, as soon as practicable, be incorporated into the employment contract of each Worker.

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MEMBERS ONLY

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