

Faculty Association

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UMFA Employee Anti-Harassment and Harassment Prevention Policy¹

Definitions

“Association”: The Employer, the University of Manitoba Faculty Association

“Complainant”: An individual who makes a complaint pursuant to the UMFA Employee Anti-Harassment and Harassment Prevention Policy

“Respondent”: An individual whom a complainant makes a complaint against pursuant to the UMFA Employee Anti-Harassment Prevention Policy

“Worker”: An individual employed by the Employer, the University of Manitoba Faculty Association

Purpose

1. Every worker is entitled to work free of harassment.
2. The Association must ensure, so far as is reasonably practicable, that no worker is subjected to harassment in the workplace.
3. The Association will take corrective action respecting any person under its direction who subjects a worker to harassment.
4. The Association will also take steps to prevent and correct actions of members of the University community that amount to harassment of Association employees.
5. This policy is not intended to discourage or prevent the 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 Manitoba Human Rights Commission.

Harassment in the Workplace Prohibited

6. Harassment will not be tolerated in the workplace.
7. Harassment is any vexatious comment or conduct against someone that is known or ought reasonably to be known to be unwelcome. It includes harassment based on any of the prohibited grounds identified under *The Human Rights Code*, C.C.S.M. C.H175, Part II, s. 9(2), as well as sexual, psychological, and personal harassment.
8. Vexatious claims of harassment are themselves infractions of this policy.

¹ This policy does not apply to Member-to-Member complaints, and its application to Members is subject to limits set out in the Association’s Constitution and Standing Rules, and applicable legislation.

Complaint Process

9. If you believe you are being harassed, act immediately to:
 - a. Make clear to the person, if possible, that you do not welcome the behaviour. You can do so on your own, verbally or in writing, or with the assistance of another party. Also, indicate that you will take further action if the behaviour continues.
 - b. If the behaviour persists or if you feel uncomfortable approaching the person, contact the Executive Director of the Association, who will promptly investigate the matter. Should the issue be with the Executive Director, contact the President of the Association. Should the issue be with the Executive Director and President, contact any other member of the Association's Executive Council.
 - c. A complaint may be made verbally or in writing and should contain all relevant details. The Executive Director, President, or relevant member of the Executive Council may ask for more details before investigating a complaint.

Investigation Process

10. The investigation of each complaint will be handled by the Executive Director, subject to section 9(b). The investigation will be conducted confidentially and expeditiously, with particular sensitivity for the complainant, and rely on an objective "reasonable person" standard and be adjudicated on the basis of a balance of probabilities.
11. The Association will not disclose the name of a complainant or an alleged harasser (the respondent) or the circumstances related to the complaint to any person except where such disclosure is:
 - i. necessary to investigate the complaint or take corrective action with respect to the complaint, or
 - ii. required by law.
12. The Executive Director 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 the right to the opportunity to provide the investigator with a response to the complaint.
13. The Executive Director's investigation may include some or all of:
 - i. Interviewing witnesses;
 - ii. Requesting written statements;
 - iii. Reviewing documents and records (both paper and electronic);
 - iv. Reviewing photographs, audio recordings, and video recordings.
14. Parties to the investigation will be encouraged to fully cooperate in the investigation process, and provide any documentation in their possession which is related to the complaint, in order to provide a complete background to the Executive Director.
15. The results of an investigation will be delivered in writing by the Executive Director to the complainant and respondent.

Resolution of Complaints

16. The resolution of the complaint may include, but is not be limited to, an apology, reprimand, expulsion from an event, and/or prohibition of entrance to the Association Office, including for Association meetings, for a defined period of time. Resolution may also include suspension or termination of employment of any employee found to have engaged in harassing behaviour(s).
17. 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 Executive Director 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.
18. A copy of this Policy will be posted to the bulletin board in the main hallway of the Association Office, and a copy will be kept in the office of each Worker.

May 26, 2022