



# Harassment Policy and Procedure

Policy Owner: URSU Board of Directors

Audience: URSU Executive, URSU Management

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## 1 - Introduction

URSU is committed to upholding the University of Regina's Respectful University Policy. This policy is in accordance with the Respectful University Procedure. Please refer to the link below for the aforementioned procedure and policy:

<http://www.uregina.ca/policy/browse-policy/policy-GOV-100-015.html>

## 2 - Definitions

### 2.1 Personal Harassment

Personal harassment is defined as any objectionable conduct, comment or display which would reasonably constitute a clear pattern of mistreatment that is severe enough to create a hostile and intimidating environment or be perceived as discriminatory in nature. It is sometimes referred to as "bullying". This could include discrimination based on race, creed, religion, colour, gender, marital status, disability, ancestry, nationality, place of origin, family status, physical size or weight, age, sexual orientation, or other grounds the Board of Directors sees fit. Examples of personal harassment include, but are not limited to:

- Verbal or written abuse or threats
- Insulting, derogatory or degrading comments, jokes or gestures
- Personal ridicule or malicious gossip
- Unjustifiable interference with another's work or sabotaging one's work
- Refusing to work or cooperate with others for no legitimate reason
- Interference with or vandalizing personal property

### 2.2 Sexual Harassment

Sexual harassment is defined as conduct of a sexual nature that either is likely to cause offence or humiliation to an employee, or that might reasonably be perceived by that employee as placing a



condition of a sexual nature on employment or on any opportunity for advancement, or which otherwise results in adverse job-related consequences for the employee. Examples of sexual harassment include, but are not limited to:

- A direct or implied threat of reprisal for refusing to comply with a sexually oriented request
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, attire, sex or sexual orientation
- Displaying pornographic or sexually explicit pictures or materials
- Unwelcome physical contact
- Unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature
- Refusing to work with or have contact with employee/students because of their sex, gender or sexual orientation

### 2.3 - Bullying

Bullying is any offensive, cruel, intimidating, insulting or humiliating behaviour which includes physical or mental violence or the threat of physical or mental violence. It can be physical or verbal, direct or indirect such as gossip. Bullying is considered harassment in general, unless there is physical contact or a threat of violence, where it is considered violence. Bullying is ill treatment which is not addressed under human rights legislation or criminal codes.

### 2.4 - Discrimination

Discrimination is defined as any harmful treatment of an individual or group, based on certain personal characteristics. The Saskatchewan Human Rights Code establishes which characteristics (prohibited grounds) are covered. These characteristics are mental or physical disability, age (18 and over), religion, creed, family status, marital status, sex, gender, sexual orientation, ancestry, colour, race, place of origin and receipt of public assistance.

### 2.4 - Workplace

For the purposes of this policy, a workplace includes any location in which employees and management are engaged in URSU business activities necessary to perform their assignments. This includes, but is not limited to, URSU buildings, employee/management parking lots, employee/management organized social events, and during business related travel.

### 2.5 Abuse of Power

Abuse of power occurs when an employee abuses or misuses his/her power and discretion for personal benefit, or for the benefit or detriment of another person or group.



## 2.6 - The URSU Board HR Committee

The URSU Board HR Committee is an impartial, advisory, neutral party, without absolute decision-making powers, whom both parties accept. The HR Committee uses the HR Committee policy along with this one to determine the best action in each case.

## 3 - Policy

Every employee is entitled to work in an environment free of sexual or personal harassment, as well as discrimination. The URSU will make every reasonable effort to ensure that this is the case and appropriate disciplinary action will be taken by URSU against any employee (staff, management, director, elected official or volunteer) whose conduct constitutes a breach of this policy. Each employee also has the responsibility to foster and support a harassment-free environment. Under no circumstances will the URSU tolerate instances of retaliation against any employee bringing forward a complaint or participating in the investigation process.

### 3.1 Prevention

Prevention is always the first line of defense against occurrences of harassment and discrimination. All employees and volunteers are reminded of their obligation to follow the URSU Standards of Conduct and the University of Regina Respectful Workplace Policy to ensure a positive work environment. Beyond this, there is a duty upon all to prevent harassment by discouraging negative behaviour.

### 3.2 Rights

Everyone has the right to:

- An environment that is free from harassment and discrimination
- File a complaint when the environment is not free from harassment, and discrimination
- Be informed of complaints made against them
- Obtain an investigation of the complaint without fear of embarrassment or reprisal
- Have a fair hearing
- Be kept informed throughout the process and of remedial action taken, as per Roberts Rules of Order or at the discretion of the board.
- A fair appeal process for both the respondent and complainant
- Confidentiality to the degree possible under the circumstances
- Representation by a third party



### 3.3 Obligations

The people in an organization have the responsibility to ensure the safety and health of all those who come in contact with the URSU whether that is Executives, Board Members, Management or other Employees.

Organizations are obligated legally to take all complaints seriously by:

- Using due diligence, which is the obligation to take reasonable measures to provide appropriate service;
- Being very familiar with the harassment policy and following it closely for updates;
- Following the process without bias;
- Documenting all information from the first disclosure to the final resolution;
- Recording only relevant facts – no feelings;
- Signing and dating all documents;
- Using common sense.

### 3.4 Employees responsibilities

All employees and volunteers are responsible for contributing to a positive work environment and for identifying and discouraging comments or activities that are contrary to this policy. This includes advising people or the alleged harasser that their behaviour is unwelcome.

Where a situation occurs, or where an employee or volunteer believes a situation has occurred, they are obligated to report it to their supervisor/ manager. If a situation occurs which involves their supervisor/manager, or if their supervisor/manager does not intervene appropriately, the employee/ volunteer may report the situation to the Board HR Committee, or an executive member on that committee.

### 3.5 Supervisors and Managers responsibilities:

Supervisors and managers are expected to eliminate any aspects of the work environment that are not in keeping with this policy, whether or not a complaint has been made. Supervisors and managers are obligated to implement this policy, under the direction of the Board of Directors, and specifically the HR Committee.

### 3.6 What is not Harassment

This Procedure does not extend or apply to day-to-day management or supervisory decisions. Although some workplace situations may involve unpleasant consequences, all managerial actions must be carried out in a manner that is reasonable and not abusive. Situations that do not constitute harassment include, but are not limited to:



- Legitimate, reasonable managerial actions to direct and control how work is done e.g. allocating work in accordance with systems and policies
- Feedback and performance management
- Undertaking disciplinary action for proven misconduct
- Overseeing injury and illness processes in accordance with Occupational Health and Safety & Employee/students Compensation legislation
- Minor workplace issues such as disagreements and differences of opinion, matters or circumstances unrelated to employment or in the case of students' employment and/or living on campus for example, harassment that occurs during a social gathering of employees/students that is not sponsored by the University is not covered. However, harassment or discrimination that occurs while attending a conference, training session or athletic event where the individual(s) is representing the University is covered within this policy
- Physical contact necessary for the performance of the work using accepted industry standards
- Conduct which all parties agree is inoffensive or welcome

## 4 - Procedure

The URSU Board HR Committee is responsible for executing this procedure and following their responsibilities under the URSU Board HR Policy. The URSU Board HR Committee will be responsible for enacting the following within this policy:

- Facilitate communication between parties with a view to resolving conflict;
- Ensure that the process is followed within the prescribed time frame;
- Arrange for investigation, mediation or expertise, as required;
- Coordinate the follow up actions. Maintain original copies of all documentation pertaining to the resolution of differences;
- Educate employees and volunteers on the application of this policy;
- Determine the parties' wishes and needs;
- Establish the ground rules for the discussions, with all parties agreeing to the rules;
- Explore with the parties different ways to get what each party needs and thus resolve the complaint.

### 4.1 - The HR Committee shall:

- Promptly make arrangements for a thorough and unbiased investigation to be conducted in as timely and confidential a manner as possible;
- Inform all parties of their rights and responsibilities;
- Secure all complaints and responses in writing, with dates, names, witnesses and full descriptions of the incident(s);
- Interview the parties involved and any witnesses to the behaviour, if necessary;



- Notify any individual interviewed of their right to be accompanied by the representative of their choice;
- Keep the parties to the complaint informed during the process, including providing the alleged harasser with full particulars of the allegations and a copy of the written complaint;
- An individual accused of discrimination or harassment will be entitled to respond to the complaint and may wish to offer their perspective regarding the allegations and/or present a proposal for resolution;
- Prepare a written report for the applicable HR Committee Board members, the GM, the Executives.

The HR Committee will keep a confidential record of the number of complaints filed, the nature of these complaints, the outcome of the investigation and the type of corrective action taken.

## 4.2 Process

Situations where there has been an accusation of harassment or discrimination are extremely sensitive and often complex. At all times, the emotional and physical safety of the complainant is paramount, and this may involve taking steps that are not outlined herein. In general, however, the following process should be taken:

Complaint Received → Mediate and/or Investigate → Action → Appeal

**Complaint:** In order to make an official complaint, the complainant should advise their supervisor/manager. Any individual who receives any complaint against an employee or manager must forward it to the Board HR Committee. From here, there are three (3) possible actions:

1. No Action: The behaviour is not found to be harassment, and the complainant agrees.
2. Resolve: If the harassment or discrimination is subtle or mild and the complainant agrees, the complaint is resolved informally with the assistance of the HR Committee .
3. Refer: If the complaint represents moderate or severe harassment or if the incident involves an abuse of power, then the applicable SMT member and the HR representative are to be notified and the complaint is referred to mediation, investigation or, in extreme circumstances, the police.

**Mediate:** The alleged harasser will be advised of the complaint, if this has not already happened. The HR Committee will be the mediator unless a member of the committee is the accused. provided the parties to the complaint agree. In the case where there is no agreement, alternative names will be considered. Mediation takes place and the situation is resolved to the satisfaction of both parties. If no agreement for either a name or process is secured, then the case is referred to investigation.

**Investigate:** Where, for whatever reason, the complaint remains unresolved, then the HR Committee will investigate the issue and provide a written report for action to the applicable parties as well as to the Board of Directors with any names redacted. Once an investigation is completed then a particular action may be taken against the offender. These actions are outlined



below and must consider the evidence, nature of the harassment, (physical, psychological, emotional, etc), whether the situation was isolated or whether there was an abuse of power.

**Actions** may include:

- Verbal or written apologies
- A letter of reprimand or suspension
- A referral to counselling or sensitivity training
- Demotion or transfer
- Termination of employment, volunteer activity and/or membership
- Referral to police or other legal authorities
- Other sanctions as the HR Committee deems fit.

### 4.3 Appeal

Either the complainant or alleged harasser may, within 14 days of being notified of the action, submit an appeal, in writing, to the HR Committee. In the event that the HR Committee determines that further investigation is required, any additional findings shall be disclosed to the parties, who will be provided with an opportunity to respond. A review will be completed to determine whether or not there was an additional violation to the Standards of Conduct, Harassment Policy or any other standards of behaviour.

## 5 -Confidentiality and Discipline

Complaints of harassment and discrimination will be received and investigated in a confidential manner in accordance with the procedures, including prescribing corrective action. Information that must be shared will be disclosed on a need-to-know basis.

Any allegation or complaint of discrimination, harassment, sexual harassment or discrimination, will be considered personal information 'supplied in confidence'. The name of the complainant or the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigating the complaint. The substance of investigative reports and the substance of meetings held by those in authority regardless of whether it is substantiated, will be protected from disclosure to third parties, except where required for legal reasons. Strict confidentiality cannot be guaranteed to anyone who wants to make a complaint of harassment.

If a complaint goes through an investigation, the respondent and other people involved will have to learn about the complaint. The complainant can be assured that only people who 'need-to-know' will be told of the complaint. No investigation information is to be kept on the employee personnel file with the exception of official disciplinary/termination papers. Similar to problem resolution cases, harassment, discrimination investigation information should be kept indefinitely in a separate file.

Proven allegations of harassment, sexual harassment, or discrimination including disciplinary action taken shall be documented and form part of the employee permanent record.



## 5.1 Disciplinary action

Harassment by an employee or volunteer is a serious offence. If an accusation is substantiated, the harasser will be subject to immediate disciplinary action, up to and including dismissal.

Intentionally accusing someone of harassment, known to be false, is a serious offence and is subject to disciplinary action. The URSU reserves the right to discipline those whose complaints are frivolous or vexatious. Any interference with the conduct of an investigation, or retaliation against a complainant, respondent or witness, may itself result in disciplinary action.

Criteria in determining level of disciplinary action shall be based on fact scenario and will take into account harm to the individual, harm to the URSU and its reputation, and whether or not there was an unequal power relationship. Where the conduct involves, or may involve, criminal activity, the URSU reserves the right to invoke criminal charges.

## 6 - Related Information

### 6.1 URSU Board HR Committee Policy

### 6.2 Standards of Conduct Policy

### 6.3 University of Regina Respectful Workplace Policy.