

## Harassment and Discrimination Policy

**If someone is at immediate risk of harm to self or others, call emergency services at 911 immediately and then contact Campus Safety at 403-329-2345.**

**If you require immediate access to support, please contact:  
Student Services-Counselling Services at (403) 317-2845  
or Human Resources at (403) 329-2274.**

### 1. Purpose

- 1.1. This document outlines the University of Lethbridge's ("University") policy and response to Harassment and/or Discrimination among members of the University Community.
- 1.2. The purpose of this Policy is to support an environment in which members of the University Community can work, live and learn in a climate free from Harassment and Discrimination, and share the responsibility for achieving these goals.
- 1.3. The University will take the following into account when carrying out its responsibilities under this Policy: individuals' experiences can be affected by factors such as their access to power and privilege, historically relevant considerations such as settler colonialism, their sex, sexual identity, gender identity, gender expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, indigeneity, immigration status, socio-economic status, class, and language. The University also recognizes that a university is a unique environment, in which power imbalances are inherent. These factors impact individual experiences of Harassment and/or Discrimination and choices with regard to recourse.
- 1.4. For a complete statement of University commitments and principles to guide this Policy development see [Appendix B](#).

### 2. Scope and Application

- 2.1. This Policy applies to all members of the University Community.
- 2.2. Regardless of whether a Complaint is made or is determined to be beyond the scope of this Policy, the University will provide support. Special arrangements may be requested for those who have experienced Harassment and/or Discrimination (see 5.1). Requests for special arrangements can be brought forward to the Associate Vice President

Approval Authority:	Responsibility:	Responsible Office:	Effective Date:	Date Last Revised:
Board of Governors	Provost & Vice-President (Academic) & Vice-President (Finance & Administration)	Associate Vice-President (HR) & Associate Vice-President (Students)	June 13, 2019	December 11, 2014 December 21, 2021

(Students) (in the case of students) or to the Manager of Wellness and Recognition or the Associate Vice President (Human Resources) (in the case of employees).

- 2.3. A complaint of Harassment and/or Discrimination under this Policy may only be made by a member of the University Community against another member of the University Community in regard to reported Harassment and Discrimination Misconduct that occurred on campus (including in residences), or off-campus when part of a University course or organized class activity, University-sanctioned event, or when representing the University regardless of geographic location..
- 2.4. This Policy is not to be interpreted, administered, or applied in such a way as to:
  - 2.4.1. discourage or prevent members of the University Community from exercising any legal rights they may have, including the right to file a complaint with the Alberta Human Rights Commission, pursuant to the Occupational Health and Safety Act, or pursue a criminal or civil remedy;
  - 2.4.2. limit or amend the provisions contained in any collective agreement or employment manual entered into between the University and its employees, subject to applicable legislation;
  - 2.4.3. detract from the legitimate right and obligation of those in leadership, managerial or supervisory roles to conduct performance evaluations, provide feedback and direction to, or otherwise manage and discipline employees in accordance with Collective Agreements, employment manuals, or other applicable university policies and procedures. The exercise in good faith of management's rights for operational requirements, performance management or progressive discipline does not constitute harassment;
  - 2.4.4. detract from the legitimate right and obligation of academic staff to correct inappropriate student behaviour and insist on order in the classroom;
  - 2.4.5. infringe upon academic freedom, the right to teach, engage in scholarly activity and perform service without interference and without jeopardizing employment. Academic freedom must be exercised in a responsible manner and is subject to limits prescribed by law and the collective agreement. The frank discussion of controversial matters, and the study and teaching of material with controversial content do not constitute harassment or discrimination.

### **3. Definitions**

For the purposes of this Policy:

- 3.1. "Accommodation" means making changes to certain rules, standards, policies, workplace cultures and physical environments to ensure that they don't have a negative effect on a person because of the person's mental or physical disability, religion, gender or any other protected ground. Accommodations on protected grounds can be made to the point of undue hardship, where onerous conditions for an employer such as intolerable financial cost or serious disruption to business would occur.
- 3.2. "Complaint" means an allegation of Misconduct.

- 3.3. “Complainant” means the person filing a Complaint.
- 3.4. “Discrimination” means differential treatment of individuals, or groups of individuals, on the basis of protected grounds (race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation) under the *Alberta Human Rights Act*. Discrimination occurs where differential treatment results in the unfavourable, adverse or preferential treatment of individuals, or group of individuals, on the basis of protected grounds.

Examples of Discrimination may include:

- 3.4.1. evaluations of performance that are based on any protected ground;
  - 3.4.2. behaviours stating or implying actual or perceived abilities or inabilities that are based on any protected ground;
  - 3.4.3. applying stereotypes or generalizations that are based on any protected ground;
  - 3.4.4. refusal to work with or share facilities based in any protected grounds;
- 3.5. “Harassment” means a course of comments or conduct, whether in person or through other forms of contact, consisting of words or actions that are humiliating, intimidating or demeaning. Harassment occurs when such behaviour, directed toward a person or group of persons, is known or ought reasonably to be known to be unwelcome and has the effect, when assessed reasonably in the circumstances, of creating an intimidating, humiliating or hostile work, living or learning environment. When sufficiently serious, a single incident may be considered harassment. Behaviour does not need to be intentional to constitute harassment.

Harassment includes hazing and other initiation activities that are abusive or humiliating and which subject a person to physical or emotional danger.

Harassment includes bullying, which is a form of aggression against a targeted person(s). It may involve persistent, abusive, intimidating or insulting behaviour, including abuse of power, which is known or ought to be known to cause the targeted person(s) to feel threatened, humiliated and/or vulnerable. Examples of bullying may include:

- 3.5.1. repeated or continuous incidents of yelling, screaming or name-calling;
- 3.5.2. repeated or continuous threats to terminate employment or contracts for reasons unrelated to performance;
- 3.5.3. repeated or continuous threats to withdraw funding, scholarships, employment or advancement opportunities for reasons unrelated to performance;
- 3.5.4. inappropriate and unsubstantiated comments addressed to a person which have the effect of undermining a person’s role in the workplace or learning situation.

- 3.6. "Investigation" means the process undertaken by the University to ascertain whether a Respondent has engaged in Misconduct (see [Appendix A](#)).
- 3.7. "Misconduct" means any conduct that is in contravention of a University policy, collective agreement, employment manual, law or other rule or regulation that warrants discipline, restrictions on movements or activities, or any other limitation of the Respondent's privileges, entitlements, rights, or obligations as imposed by the University.
- 3.8. "Respondent" means the person who is the subject of the Complaint.
- 3.9. "Trauma-Informed" means incorporating an understanding of the impact that trauma has on an individual or community, to minimize re-victimization, and facilitate recovery and empowerment. These impacts may include, but are not limited to, a delay in the individual reporting, time-lines and details of events that seem unrelated or illogical, varying or lack of emotional response, more detailed sensory memory, describing an experience of response to the incident that included freezing, dissociation, and/or negotiation or pleasing; an experience of recalling details over time and a requirement of more time to process and/or to follow up. In general, Individuals who have been affected by trauma need to be heard, to understand options, to move at their own pace through the process of recovery, and to re-establish a sense of personal control over what happens in their lives.
- 3.10. "University Community" means all employees, students, post-doctoral fellows, volunteers or other individuals who work, study, conduct research or otherwise carry on the business of the University.
- 3.11. "University-Sanctioned Event" means an event hosted, either on campus or off campus by the University and sanctioned by an appropriate University administrator who has the authority to sanction such an event as a role of their employment.

#### **4. Principles**

- 4.1. Harassment and Discrimination are prohibited conduct at the University and will not be tolerated.
- 4.2. Members of the University Community may be subject to disciplinary sanction or other appropriate action, up to and including dismissal or expulsion, in accordance with collective agreements, employment manuals and/or other applicable University policies and procedures, in the event that they:
  - 4.2.1. Engage in Harassment and/or Discrimination;
  - 4.2.2. Retaliate against another for raising a concern, and/or filing a Complaint about Harassment and/or Discrimination and/or participating in an Investigation;
  - 4.2.3. With malicious intent, bring forward a concern and/or complaint that is frivolous or vexatious.

- 4.3. Individuals in supervisory, managerial and leadership roles play a key role in supporting and guiding the University towards a respectful environment, and in addressing issues that would detract from a respectful environment.
- 4.4. The University will take the following into account when carrying out its responsibilities under this Policy:
  - 4.4.1. The University is a unique environment, in which power imbalances are inherent. These factors impact individual experiences of Harassment and/or Discrimination and choices with regard to recourse;
  - 4.4.2. Harassment and/or Discrimination is a significant, complex, and systemic issue that can affect anyone within the University Community;
  - 4.4.3. Harassment and/or Discrimination violates the integrity and dignity of a person and it can have serious negative impacts, including trauma, on physical, mental, emotional, social, and spiritual wellbeing. The principles of a Trauma-Informed approach will guide the University's response.
- 4.5. The University recognizes the need to provide options, including detailed information about on and off campus supports and resources, including options cultural, gender, language, and ability appropriate supports and resources; respecting the rights of those to make their own decisions about accessing such support services and resources;
- 4.6. Maintaining confidentiality and protecting privacy are essential in creating an environment and culture where individuals who have been impacted by Harassment and/or Discrimination feel safe to disclose their experiences and seek support. The University does its best to maintain confidentiality and protect the privacy of all persons, including the person submitting the Complaint, the Respondent and witnesses. In a commitment to a Trauma-Informed process, the University will inform the Complainant of any information allowed to be shared pursuant to applicable legislation, in order to support a sense of safety and security of the Complainant, or as consented to by the Respondent.

## **5. Disclosure and Reporting Options**

- 5.1. Regardless of which option or options chosen, special arrangements can be requested through the Associate Vice-President (Students) (in the case of students) or the Manager of Wellness and Recognition or the Associate Vice-President (Human Resources) (in the case of employees) prior to exploring, and in the course of, any of these options. Special arrangements may consist of but are not limited to adjusting class or working schedules, changing on-campus living or working arrangements, alteration of assigned duties, and on-campus no-contact provisions. Special arrangements are not disciplinary nor viewed as an assessment of the alleged Misconduct.
- 5.2. The University recognizes the agency of individuals. There are various options available, in recognition of the myriad of different ways that a member of the University Community who has experienced or who have been affected by harassment and discrimination may choose to address, including but not limited to:

- 5.2.1. Disclosing without filing a Complaint (see 5.7);
  - 5.2.2. Creating a personal record of information (see 5.8);
  - 5.2.3. Discussing the matter with the other member of the University Community without filing a Complaint (see 5.9);
  - 5.2.4. Filing a Complaint with the University (see 5.10);
  - 5.2.5. Making a report to an external body (see 5.11);
- 5.3. Every individual who has experienced Harassment and/or Discrimination is entitled to decide whether or not to engage in any of these options and to decide if they may pursue more than one option at the same time.
- 5.4. These options have advantages and disadvantages. Before choosing an option, members of the University Community are encouraged to reflect on their situation and seek supports.
- 5.5. Members of the University Community may discuss their reporting options with the Sexual Violence Prevention Educator (for students) or the Manager, Wellness and Recognition (for employees) in order to make an informed choice about the options available to pursue and to be informed of supports and resources available.
- 5.6. In some cases, to support an environment in which members of the University Community can work, live and learn in a climate free from Harassment and Discrimination, the University may be required to or may choose to investigate Misconduct even though an individual has chosen not to file a Complaint or does not wish to initiate an Investigation process.
- 5.7. Disclosing without Filing a Complaint**
- 5.7.1. A Disclosure may be made to a counsellor, doctor, nurse, legal advisor or other trusted person for the purpose of receiving support and referrals, without filing a Complaint with the University. These are private and confidential options where the University is not aware of the occurrence and the individual still retains the ability to file a Complaint at a later date with the University if they wish to do so. A disclosure here does not initiate a Complaint by the individual who has experienced Harassment and/or Discrimination.
  - 5.7.2. University Community members to whom a disclosure is made are encouraged to refer the individual to Sexual Violence Prevention Educator (for students) or the Manager, Wellness and Recognition (for employees) for information on available supports, disclosure and reporting options.
- 5.8. Creating a Personal Record of Information**
- 5.8.1. An Individual may choose to prepare a personal record of information of an experience of Harassment and/or Discrimination to ensure the experience is documented in close proximity to the time it occurred to assist in recalling details should a Complaint be made at a later date. The individual who experienced Harassment and/or Discrimination prepares the personal record of information and is responsible for retaining the document. A personal record of information does not initiate a Complaint but it may be used to lodge a Complaint or make a criminal report.

**5.9. Discussing the matter with the other member of the University Community without filing a Complaint**

- 5.9.1. If a member of the University Community has concerns about the conduct of another member of the University Community, the affected member of the University Community may:
  - 5.9.1.1. Let the other member of the University Community know that their conduct is of concern and should not be repeated.
  - 5.9.1.2. Seek assistance with a view to resolving the concerns, which may include facilitated discussions or third-party mediation.
- 5.9.2. In the event that the affected member of the University Community is unable to bring the concern about conduct directly to the attention of the other member of the University Community, or where it is not safe, practical or reasonable to do so, or when direct communication has been attempted but fails to produce a satisfactory result, the affected member of the University Community may also consider filing a Complaint.

**5.10. Filing a Complaint with the University**

- 5.10.1. The decision to file a Complaint is the choice of the person who has experienced Harassment and/or Discrimination. A Complainant has the right to subsequently withdraw a Complaint at any time. If a Complaint is withdrawn, University supports are still available. The University may act at its own discretion in the absence of a Complaint or if a Complaint is withdrawn, once it is made aware of an alleged Misconduct.
- 5.10.2. Complaints are to be submitted pursuant to the procedure outlined in [Appendix A](#).
- 5.10.3. There is no time limit for filing a Harassment and/or Discrimination Complaint. However, delaying the submission of a Complaint may affect the availability of evidence and witnesses, and may impede the ability of the University to investigate or enforce sanctions if the Respondent is no longer a member of the University Community. If the Respondent is a unionized employee the University may be required to adhere to specific timelines in the applicable Collective Agreement in order for discipline to be imposed, if the Misconduct is determined to have occurred.
- 5.10.4. If the Complaint is also under investigation by the police or another authority, the University may at its discretion continue, stay or terminate the Investigation or any other proceedings related to the matter.

**5.11. Making a Report to an External Body**

- 5.11.1. When the individual who has experienced Harassment and/or Discrimination wishes, they may engage the criminal justice system by reporting the matter to the appropriate Police Services, file a civil lawsuit at the appropriate courthouse, make a complaint to the Alberta Human Rights Commission or report a violation pursuant to the Occupational Health and Safety Act, or make a report to any

other applicable external body in the circumstances. The individual is also encouraged to report the matter to the University after filing any such report.

- 5.11.2. The University will report the matter to Police Services in circumstances of imminent risk of harm to self or others and public safety.

## **6. Implementation**

6.1. The University will give effect to this Policy by:

- 6.1.1. the establishment of a Policy and of Procedures to guide the Investigation of Complaints;
- 6.1.2. the provision of specific training in managing or undertaking procedures related to the support, investigation and decision-making regarding cases of Harassment and/or Discrimination to those who hold such responsibility;
- 6.1.3. the maintenance of supports to those who have experienced or have been affected by Harassment and/or Discrimination;
- 6.1.4. the provision of educational programs designed to cultivate a respectful working, living and learning environment free from Harassment and Discrimination and to bring awareness of this Policy and the related Procedures to the University Community; and
- 6.1.5. the preparation of an annual report to the University President by the Complaint Review Team co-chairs, that provides statistical information on Complaints of Harassment and/or Discrimination, supports available to the University Community and educational programs offered.



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## **APPENDIX A**

### **COMPLAINT INVESTIGATION PROCEDURES**

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#### **A1. Purpose**

- A1.1. This document outlines the procedures applicable to Investigations of Complaints under the Harassment and Discrimination Policy.

#### **A2. Application**

- A2.1. This Procedure is not to be interpreted, administered, or applied in such a way as to:

- A2.1.1. discourage or prevent members of the University Community from exercising any legal rights they may have, including the right to file a complaint with the Alberta Human Rights Commission, Occupational Health and Safety Act or pursue a criminal or civil remedy;
- A2.1.2. limit or amend the provisions contained in any collective agreement or employment manual or student policies, subject to applicable legislation; or
- A2.1.3. conflict with any investigative process under law or regulation.

#### **A3. Definitions**

For the purposes of these Procedures:

- A3.1. "Complaint" means an allegation of Misconduct.
- A3.2. "Complainant" means the person filing a Complaint.
- A3.3. "Investigation" means the process undertaken by the University to ascertain whether a Respondent has engaged in Misconduct.
- A3.4. "Investigator" means the individual(s) designated by the University to investigate Complaints pursuant to this Policy.
- A3.5. "Misconduct" means any conduct that is in contravention of a University policy, collective agreement, employment manual, law or other rule or regulation that warrants discipline, restrictions on movements or activities, or any other limitation of the Respondent's privileges, entitlements, rights, or obligations as imposed by the University.
- A3.6. "Respondent" means the person who is the subject of the Complaint.

- A3.7. “Senior Administrator”, for the purposes of these Procedures, means the person who has appropriate authority to take corrective, remedial and/or disciplinary action against a Respondent.
- A3.8. “Trauma Informed” means incorporating an understanding of the impact that trauma has on an individual or community, to minimize re-traumatization, and facilitate recovery and empowerment. These impacts may include, but are not limited to, a delay in the individual reporting, time-lines and details of events that seem unrelated or illogical, varying or lack of emotional response, more detailed sensory memory, describing an experience of response to the incident that included freezing, dissociation, and/or negotiation or pleasing; an experience of recalling details over time and a requirement of more time to process and/or to follow up. In general, Individuals who have been affected by trauma need to be heard, to understand options, to move at their own pace through the process of recovery, and to re-establish a sense of personal control over what happens in their lives.
- A3.9. “University Community” means all employees, students, post-doctoral fellows, volunteers or other individuals who work, study, conduct research or otherwise carry on the business of the University.

#### **A4. Investigative Principles**

- A4.1. Investigations will be fair, timely and unbiased. Members of the Complaint Review Team and Investigators shall self-identify any apparent or perceived conflict of interests with the Complaint and must excuse themselves from the proceedings. The Complaint Review Team co-chairs shall rule on the eligibility of those in cases regarding potential conflict of interests.
- A4.2. Investigations will be relevant to the nature of the Complaint, with Trauma-Informed approaches adopted.
- A4.3. Individuals involved in an Investigation will be treated with compassion, dignity, and respect.
- A4.4. Individuals involved in an Investigation have the right to a support person or union representative. In the case of a support person, their role is to provide emotional support, but not act for the complainant or respondent, nor be a witness. A support person has to agree to be bound by a confidentiality agreement prior to their participation.
- A4.5. Individuals involved in an Investigation will be provided with information about their rights and responsibilities as well as support services and resources available on- and off-campus, including Trauma-Informed support, in order to have options to decide which services and resources would be beneficial to them.
- A4.6. The Complainant, the Respondent and any witness are encouraged to participate in the Investigation. However, the Complainant, the Respondent and any witness may decide not to participate. Decisions not to participate may impact the findings and outcome of an Investigation. Notwithstanding the decision of a Complainant, Respondent and/or witness to not participate, the Investigation will proceed.

A4.7. Under the Freedom of Information and Protection of Privacy Act (FOIP), the University will make every reasonable effort to maintain confidentiality and protect privacy, disclosing information only as required for purposes of offering supports and managing Complaints.

A4.7.1. Anyone who has obtained information about another person through their participation in an Investigation should not disclose this information. The obligation to keep information confidential does not prevent a person from pursuing counselling, professional health services, legal advice and/or other support services, including personal support networks for either the Complainant or Respondent.

A4.7.2. All written evidence or other documentation obtained by the University during the Investigation must be stored in a secure location and retained in accordance with the University's Records Management Policy.

A4.7.3. If one of the parties involved in the Investigation requests access to any of the Investigation records, the Investigator shall consult with the Privacy Office to determine what can be released.

## **A5. Investigative Procedure**

A5.1. Complaints under the Harassment and Discrimination Policy are to be submitted to the Associate Vice-President (Human Resources) or designate in the case of employees and other non-students, or to the Associate Vice-President (Students) or designate in the case of students.

A5.2. A Complaint will include, where possible:

A5.2.1. nature and particulars of the allegation, including the name of the Respondent if known;

A5.2.2. Complainant's contact information;

A5.2.3. names of potential witnesses; and

A5.2.4. relevant evidence and supporting documents.

A5.3. Within ten (10) working days of receipt of the Complaint, the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will:

A5.3.1. acknowledge receipt of the Complaint;

A5.3.2. provide the Complainant with information about resources and supports available;

A5.3.3. provide the Complainant with a copy of the relevant policy(s) the Complaint has been submitted under;

- A5.3.4. request any additional information required to conduct a prima facie assessment of the Complaint;
- A5.3.5. assess if the Complaint is within scope of the policy(s) and determine if the Complaint is accepted and will be investigated through this process or be referred to the Collective Agreement as applicable.
- A5.3.6. If it is determined that the Complaint is not within the scope of the policy(s), the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or their designates will inform the Complainant of the rationale for why the Investigation will not proceed.
- A5.3.7. If it is determined that the Complaint is within the scope of the policy(s) and an investigation will proceed, the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will:
  - A5.3.7.1. meet with the Complainant, to inform them the Investigation will proceed;
  - A5.3.7.2. meet with the Respondent, ensuring they may exercise their rights to have a support person or union representative present, to inform them that a Complaint has been filed against them and that an Investigation is being undertaken, provide them with the nature of the allegations and the identity of the Complainant, if applicable, provide them with a copy of the relevant policy(s) and provide them with information about resources and supports available; and
  - A5.3.7.3. convene the Complaint Review Team.

A5.4. The Complaint Review Team is comprised of the following, or a subset of:

- A5.4.1. Associate Vice-President (Human Resources) (Co-Chair) (or designate)
- A5.4.2. Associate Vice-President (Students) (Co-Chair) (or designate)
- A5.4.3. Executive Director (Student Services) (or designate)
- A5.4.4. Chief Safety Officer (or designate)
- A5.4.5. Senior Administrator (or designate)

A5.5. Normally within ten (10) working days of being convened, the Complaint Review Team will:

- A5.5.1. determine the investigative process that will be followed based on the nature of the Complaint and identify any additional resources that need to be consulted;
- A5.5.2. appoint a qualified internal or external Investigator to conduct the Investigation, taking into consideration the following factors to determine qualification- subject

matter being investigated, competency, experience, training, licensing and sensitivity;

- A5.5.3. provide the Investigator with all documents and contact information relevant to the Complaint;
  - A5.5.4. determine any interim measures to be taken while the Complaint is investigated. In the context of an Investigation, interim measures are not be viewed as disciplinary or as an assessment of the Misconduct;
  - A5.5.5. work with internal and external resources, including but not limited to law enforcement, to expedite responses and the Investigation;
  - A5.5.6. determine the level of risk to the health or safety of the living, working and/or learning environment to members of the University Community and coordinating the University's response; and
  - A5.5.7. coordinate the University's response where the incident(s) is complex and requires the coordination of two or more administrative units to best support the individual(s) involved or to address and respond to the Complaint.
  - A5.5.8. inform the Complainant and Respondent of the Investigator and the investigative process.
- A5.6. Normally, within ten (10) working days of being appointed, the Investigator will meet with the Complainant, ensuring the individual may exercise their rights to have a support person or union representative present, to:
- A5.6.1. review the Investigation process;
  - A5.6.2. review the relevant policy(s) the Complaint has been submitted under;
  - A5.6.3. inform them of their rights and responsibilities related to the Investigation process;
  - A5.6.4. review the filed Complaint that they submitted; and
  - A5.6.5. provide them with the opportunity to offer additional information on the Complaint.
- A5.7. Normally, within ten (10) working days of being appointed, the Investigator will meet with the Respondent, ensuring the individual may exercise their rights to have a support person or union representative present, to:
- A5.7.1. review the Investigation process;
  - A5.7.2. review the relevant policy(s) the Complaint has been submitted under;
  - A5.7.3. inform them of their rights and responsibilities related to the Investigation process;
  - A5.7.4. review the Complaint that has been filed against them;

- A5.7.5. respond to the allegations; and
  - A5.7.6. provide them with the opportunity to offer additional information in response to the Complaint, normally within ten (10) working days of the meeting, or as determined by the Investigator.
- A5.8. The Investigator shall normally have up to sixty (60) working days to conclude the Investigation. The timeline to conclude an Investigation may be extended depending on the availability of the Complainant, the Respondent, witnesses and evidence. Complainants and Respondents will be informed of any extension of the timeline.
- A5.9. During the Investigation, the Investigator will:
- A5.9.1. meet with witnesses to collect facts;
  - A5.9.2. collect and review any evidence;
  - A5.9.3. provide the Complainant and Respondent other opportunities to participate in the Investigation to ensure the facts are complete and give fair opportunities to respond; and
  - A5.9.4. prepare a written investigation report for submission to the Complaint Review Team ("Investigation Report").
- A5.10. The Investigation Report shall include:
- A5.10.1. a summary of the allegations;
  - A5.10.2. a summary of the process used in the Investigation;
  - A5.10.3. the findings of fact made by the Investigator during the Investigation; and
  - A5.10.4. a conclusion as to whether, in the opinion of the Investigator, on a balance of probabilities, Misconduct occurred, along with a rationale supporting the conclusion.
- A5.11. Upon receipt and review of the Investigation Report, the Complaint Review Team will determine whether Misconduct has occurred, what, if any, action is to be taken including but not limited to disciplinary sanctions.
- A5.12. Normally, within ten (10) working days of the receipt of the final Investigation Report, should there be a finding on a balance of probabilities that Misconduct did occur:
- A5.12.1. the appropriate Senior Administrator will meet with the Respondent to inform them of the findings of the Investigation, of the decision that Misconduct did occur and of the disciplinary or other sanction to be imposed, and in the case where sanctions are to be imposed the Respondent will be asked if they will consent to have the Complaint Review Team disclose the sanction imposed on the Respondent to the Complainant to support a Trauma-Informed process; and

A5.12.2. the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will meet with the Complainant to inform them of the findings of the Investigation and the decision that Misconduct did occur. In a commitment to a Trauma-Informed process, the applicable co-chair will inform the Complainant of any other information in accordance with applicable legislation, or as consented to by the Respondent.

A5.13. Normally, within ten (10) working days of the receipt of the final Investigation Report, should there be a finding on a balance of probabilities that Misconduct did not occur:

A5.13.1. the appropriate Senior Administrator will meet with the Respondent to inform them of the findings of the investigation and of the decision that Misconduct did not occur; and

A5.13.2. the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will meet with the Complainant to inform them of the findings of the investigation and of the decision that Misconduct did not occur

#### **A5.14. Appeals**

A5.14.1. A Complainant or Respondent may appeal, pursuant to the grounds set out in A5.14.2 below, within ten (10) working days of being informed of the University's decision.

A5.14.2. Grounds for appeal: An appeal may be submitted if an error in fact or in law (including but not limited to procedural fairness) caused prejudice to the Complainant or Respondent and that would likely have affected the final outcome. The Respondent may appeal the severity of the sanction imposed. The Appellant must outline the reasons for the appeal.

A5.14.3. In the case of an employee covered by a collective agreement, the grievance procedure set out in said collective agreement will replace the appeal provisions herein.

A5.14.4. In the case of an employee who is not covered by a collective agreement, an appeal is directed to the Vice-President (Finance & Administration) or designate.

A5.14.5. In the case of student Complainants or Respondents, an appeal is directed to the Provost and Vice-President (Academic) or designate who will act as a representative of the Board of Governors of the University of Lethbridge. This appeal includes the student discipline appeal available to students pursuant to the *Post-secondary Learning Act of Alberta* ("PSLA") or any successor legislation that may come into force replacing the PSLA.

A5.14.6. When an appeal is filed by one party, the other party to the Complaint will be notified that an appeal has been filed. The individual or body hearing the appeal/grievance may request further involvement from the other party based upon the nature of the appeal.

- A5.14.7. A decision on the appeal will be based on a review of the Investigation file and any other relevant documents or information. The Provost and Vice-President (Academic) or designate, or the Vice President (Administration and Finance) or designate will communicate their decision of the appeal in writing to all parties, normally within twenty (20) working days of receiving the appeal. The decision will be final and binding.



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## APPENDIX B

### Commitments and Statement of Principles to Guide Policy Development

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- B1. The University recognizes that Harassment and Discrimination is a significant, complex, and systemic social issue that can affect anyone within the University Community. Harassment and Discrimination violates the integrity and dignity of a person and it can have serious negative impacts on physical, mental, emotional, social, and spiritual wellbeing. The University's intention is to ensure that individuals feel empowered to make a Complaint about Harassment and Discrimination that they have experienced or witnessed and that they feel empowered as they navigate the process following a Complaint.
- B2. The University will take the following into account when carrying out its responsibilities under this Policy: Individuals' experiences will be affected by factors such as their access to power and privilege, historically relevant considerations such as settler colonialism, their sex, sexual identity, gender identity, gender expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language. The University also recognizes that a university is a unique environment, in which power imbalances are inherent. These factors impact individual experiences of Harassment and Discrimination and choices with regard to recourse.
- B3. Support  
*The University is committed to:*
- B3.1. Recognizing the traumatic effects of Harassment and Discrimination and assisting those who have experienced Harassment and Discrimination by providing choices, including detailed information about on and off campus resources, the provision of or the referral to counselling and medical care, information about reporting options, and appropriate special arrangements;
  - B3.2. Supporting members of the University Community in making a Complaint of Harassment and Discrimination that they have experienced or witnessed;
  - B3.3. Respecting the rights of those who disclose to make their own decisions about accessing support services and accommodations, making a Complaint, or pursuing external processes such as criminal or civil action;
  - B3.4. Providing information and assistance to members of the University Community who have had Complaints of Harassment and Discrimination made against them;
  - B3.5. Maintaining an up-to-date list of on-and off-campus support services and making them accessible to all University Community members;
  - B3.6. Offering options and referrals for appropriate cultural, gender, language, and ability supports;
  - B3.7. Maintaining options to individuals who experience Harassment and Discrimination, provide intake for Complaints for Students and Employees, and provide education, training, and resources to the University Community regarding Harassment and Discrimination.
- B4. Procedural Fairness, Timeliness, and Transparency  
*The University is committed to:*
- B4.1. Establishing and following a formal, unbiased procedure for responding to

- incidents of Harassment and Discrimination;
- B4.2. Ensuring due process and procedural fairness and protecting the rights of the Complainant, the Respondent, and witnesses;
  - B4.3. Responding to and addressing Complaints and conducting Investigations in a timely manner;
  - B4.4. Ensuring that the person against whom allegations have been made (and will be investigated) knows the allegations against them and is given the opportunity to respond;
  - B4.5. Mindfully communicating with clarity, congruency, and consistency to mitigate the risk of further harm or victimization to the Complainant;
  - B4.6. Advising the Complainant and Respondent of their rights and responsibilities related to the process;
  - B4.7. Providing a written final decision and a rationale to the Complainant and Respondent in a Complaint process.
- B5. Education and Training
- The University is committed to:*
- B6. Facilitating on-going and pro-active prevention activities with an emphasis on increasing awareness of bystander engagement, gendered violence, response to disclosures of Harassment and Discrimination;
  - B7. Maintaining clear information about supports, services, and reporting options available to individuals impacted by Harassment and Discrimination as well as resources for responding to disclosures;
  - B8. Adopting an intersectional approach within education initiatives that is reflective of and relevant to our diverse campus population;
  - B9. Making appropriate, proactive, and sustained internal training opportunities available to all members of the University Community;
  - B10. Ensuring that individuals involved in managing or undertaking procedures related to the support, Investigation, and sanctions regarding cases of Harassment and Discrimination, will receive specific training pertinent to their roles.