

6.AA-2021: Respectful & Inclusive Community Policy

1. Purpose

Building respectful relationships and trust at St. Mary's University is fundamental to our success in achieving a healthy and positive work environment and achieve our goals. Benefits of a respectful workplace include improved team communication, improved morale and productivity, strengthened employee retention, reduced absenteeism, and enhanced organizational health.

The purpose of this policy, in alignment with the *Alberta Occupational Health and Safety Act*, is to ensure all members, associates and affiliates of the University are dedicated to cultivating and preserving a welcoming, safe and respectful community that is free of discrimination, bullying, violence and harassment, and during activities on or off campus which could reasonably be associated with the workplace. This will allow the University to promote and maintain a vibrant work environment where everyone is treated with respect, civility and dignity.

All community members — including faculty, staff, contractors and volunteers — share the responsibility of creating and fostering a safe, respectful and inclusive environment by reporting any instances of discrimination, bullying, violence and harassment whether they are the target of, a witness to, or recipient of an incident. In all cases, where a concern is raised and/or a formal complaint is made, a full review of the situation will occur to determine appropriate steps of action. All community members are required to participate and complete Respect in the Workplace training offerings.

2. Guidelines

Situations of discrimination, bullying, and harassment can often be resolved through direct communication. Wherever possible, St. Mary's supports reconciliation between the involved parties as part of the resolution process; to ensure that the necessary steps are taken to respond to the complaint if the issue is not resolved. Leaders and the Human Resources department are available for immediate support and assistance.

The University is devoted to fostering an environment in which each individual is valued and heard, which means that all incidents of concern regarding discrimination, bullying, violence, and harassment should be reported promptly to the individual's immediate **Leader** and

Approval Authority	Responsible Office	Effective Date	Date Last Revisited
Sr. Leadership Team	Human Resources		

Human Resources. This includes members of the community who receive notice of or who observe inappropriate conduct. If the individual in questions is in a leadership role, the complainant should contact the Human Resource department directly. In the event that the complaint is about Human Resources, the President and/or their elected representative will manage the complaint process. In the event that the complaint is about the President, Human Resources will work directly with the Chair of the Board of Governors.

In consideration of and respect for all parties involved, Leaders and Human Resources notified about an incident will handle all complaints promptly and incidents will be fully reviewed and handled with confidentiality, sensitivity and expediency. Concerns or complaints will never be dismissed or downplayed, and the complainant will not be told to "deal with it on their own." During the time of an active investigation, individuals who require health professionals for treatment or referrals are encouraged to access the Employee Assistance Program (FSEAP) and/or consult a physician.

To ensure the safety and well-being of everyone in our community, threats of reprisal or retaliation against any member who participates in this process will not be tolerated, and failure to report an incident, false accusations or violation of this Policy may be subject to discipline, including termination of employment or contract.

Behaviours that support and create a healthy, safe workplace and its related business objectives are highly encouraged. Where there are disagreements, we encourage all community members to use respectful behaviour when interacting with others to avoid conflict. It is important to take time to ensure we exemplify the following behaviour to move us closer to achieving the unified workplace we are trying to foster:

- Allowing one person to speak at a time and respecting other people's time
- Being accountable for your own mistakes, acting honestly
- Seeking input from others, asking for opinions from others, seeking consensus and being fair and inclusive
- Praising good work, giving timely recognition of people's efforts and accomplishments or providing positive reinforcement
- Offering assistance when someone needs help and empowering others
- Communicating openly, providing clear expectation and sharing knowledge or information
- Providing opportunities for input and participation
- Demonstrating sympathy and a show of support when someone is having a difficult time
- Listening openly to other points of view, even when you disagree

- Mentoring/coaching: taking the time to develop others and providing constructive feedback
- Sharing laughs and social banter
- Sincerely apologizing to people when something you said or did may have offended them
- Using common greetings, farewells or inquiries about others' well-being
- Expressing appreciation, and saying "please" and "thank you"

3. Reporting

Important items to keep in mind when encountering or witnessing discrimination, bullying, harassment and violence include:

- 3.1 **Speak Up** - Communicate objection(s) clearly and ask the individual to stop as soon as possible if not immediately, wherever it is reasonable to do so. If possible, tell the person that you are not comfortable with the behaviour, and want it to stop, either directly or with an email. Typically, this will be all that is needed.
- 3.2 **Record It** - Keep a written record of incidents (dates, times, locations, possible witnesses, what happened, your response). The written record is optional and not required to be able to report a concern/complaint; but depending on the nature of the behaviour, the emotional impact, and other factors, a diary will be of assistance in recounting the incident(s) and subsequently resolving the matter.
- 3.3 **Report It** - Report the incident(s) to your Leader and Human Resources. In the event the accused is in a leadership role or the President, then the employee should report the incident(s) directly to Human Resources. In the event that the complaint is about Human Resources, report the incident(s) directly to the President.
- 3.4 **Self-Care** - Tell someone you trust what is going on and/or access the University's Employee Assistance Program (EAP), which is available to provide support to all employees involved in any incidents of conflict, discrimination, bullying, violence and harassment.

If a member is faced with a threat from outside of the workplace that has the potential of being carried out in the workplace, please notify your Leader and Human Resources, and provide a copy of any protective or restraining order prohibiting an individual from having contact with you at the workplace.

It is important for members to know that they will not be penalized, reprimanded or in any way criticized when acting in good faith while following this policy and the supporting procedures for addressing situations, and reserve the right to exercise the worker's right under any other law. Anyone who makes a complaint or reports an incident is protected against retaliation, including any deliberate action taken in response to an inquiry, complaint, or investigation by an employee that adversely affects the employment or business relationship of the individual who experiences the retaliation.

4. Confidentiality

Confidentiality will be maintained at all times to the fullest extent possible. While employees may make anonymous complaints, the ability to address such complaints may be limited if there is not enough information to determine the appropriate next steps. Employees are encouraged to identify themselves when making complaints to ensure that the necessary details are obtained to appropriately address their complaint and so the person making the complaint can get assistance and support.

The University pledges to respect the privacy of all concerned as much as possible, and will not disclose the circumstances related to an incident or the names of the complainant, the individual alleged to have committed the violence, and any witnesses, except where necessary:

- to investigate the incident or to take corrective action;
- to inform the parties involved in the incident of the results of the investigation and corrective action taken;
- to inform individuals of a specific or general threat of violence or potential violence; or
- as required by law.

In these instances, the University will disclose only the minimum amount of personal information required that is necessary to inform members of a specific or general threat of violence or potential violence.

Employees accessing the University's Employee Assistance Program (EAP) can also rest assured that their services will remain private and confidential. As a third-party provider, EAP is not obliged to report the complaint unless there is risk of physical harm to the employee.

5. Investigations

Human Resources will appropriately investigate any allegations of respect in the workplace, and take fair and appropriate, corrective action to address any reported incidences.

When an investigation is conducted, the investigator will:

- presume that the individual named in concerns, disputes or formal complaint(s) is innocent until a formal decision to the contrary is reached under the terms of this policy;
- interview individuals with relevant information;
- gather and review documents, records, or other evidence relevant to the investigation; prepare an investigation report;
- provide findings about whether there was a breach of the *Respect in the Workplace Policy*; and
- inform the complaint and respondent the outcome of the investigation, including whether the Policy was breached.

Members who are interviewed in relation to a complaint or investigation must not discuss the allegations, evidence or other information they learn during the process with anyone. Confidentiality, including protecting the identity of parties and witnesses, will be balanced against the requirements of procedural fairness; any disclosure obligations (i.e., communication of the complaint to alleged harasser); being fair to the person named in the matter; and permitting that person to hear and respond to the complaint.

6. Resolution

The University recognizes that there are a number of methods for dealing with incidents of disrespect. Appropriate corrective actions take into consideration the severity of the incident and the damage caused. Possible corrective actions may include training, informal resolution including mediation, a formal apology, a referral to the FSEAP, reassignment, a report to a professional body, or corrective disciplinary action up to and including termination.

The appropriate Leader(s) will ensure that accurate and complete records are provided to the Human Resources department. Human Resources will maintain a file of all complaints, whether evidence to support the complaint is found or not. If no disciplinary action is taken as a result of a complaint, there will be no record of the complaint registered in the file of the individual against whom the allegations are made (respondent). There will be no record of the complaint placed in the file of the individual bringing the complaint forward

(complainant), whether evidence to support the complaint is found or not, unless it is proven that the complainant has intentionally filed a false complaint.

Regardless of the outcome of a complaint made in good faith, the complainant and respondent, as well as anyone providing information will be protected from any form of retaliation by either co-workers or superiors. If any reprisal occurs, disciplinary action will be taken up to and including possible termination. The complainant and respondent will be provided with a summary of the findings along with direction on how to recognize, respond and report any form of retaliation.

Please Note: This policy does not limit an individual's right to seek external assistance based on any information from the *Alberta Human Rights Commission, Citizenship and Multiculturalism Act*, and the *Canadian Human Rights Act*. A complaint must be made within one year of the alleged offence. Members also retain the right to exercise any other legal avenues that may be available.

7. Definitions

Members – This includes any individual who is a part of the St. Mary's University community including all employees (staff and faculty), contractors, consultants, volunteers, registered University students, Members of the Board of Governors, or employees or organizations representing the University when on University property.

Workplace – The "workplace" includes the university premises or any other location where employees may engage in university business, activities, or social events. The workplace would also extend to incidents outside the traditional workspace, work functions and work hours in the event that the conduct creates an unsafe, offensive or hostile work environment.

Violence – Any attempted, threatened or actual conduct of a person that causes or is likely to cause damage to property, physical injury or arouse fear in a reasonable person given the circumstances. The conduct or behaviour can be verbal, written or physical.

Examples could include, but are not limited to, the following behaviour:

- Physical attack or aggression (e.g. hitting, shoving, pushing or kicking a worker, throwing an object at a worker, kicking an object the worker is standing on, such as a ladder)

- Threatening behaviour (e.g. shaking a fist in a worker's face, wielding a weapon at work, trying to hit a worker, trying to run down a worker using a vehicle, destroying property or throwing objects)
- Verbal or written threats (e.g. verbally threatening notes or sending threatening emails to express an intent to inflict harm on a worker)
- Sexual violence (i.e., when consent is not given)

Consent – The voluntary agreement to engage in specific sexual activity or behaviour requiring that a person is able to freely articulate a choice, which includes the possibility of refusal. This means that there must be an understandable and ongoing exchange of affirmative words or conduct which indicates a willingness to participate in mutually agreed upon sexual activity regardless of the parties' relationship status or history together. For the purposes of this definition, consent is not included where:

- a person is not communicative or unable to communicate;
- a person is asleep, unconscious or incapacitated and/or under the influence of alcohol and/or drugs to the extent that the person is incapable of giving consent;
- a person has been threatened or coerced into engaging in the activity;
- consent is withdrawn.

Good Faith – All complaints made must be in good faith. If an investigation concludes that a complaint was made in bad faith, the complainant may be subject to discipline, up to and including termination. This is not meant to deter complainants from coming forward but rather to address complaints made outside of the spirit and intent of the Policy. A finding that a complaint was not substantiated does not mean that a complaint was made in bad faith. Whether a complaint is substantiated or not is a question of evidence.

Harassment – Harassment may be just a single incident or multiple incidents over time at the office (including working remotely) and community work settings, and may include any conduct, whether verbal, written or gesture, which a reasonable person would consider:

- 7.1 Discriminatory harassment - unwelcome act, omission or threat, or any policy, practice or term of employment, which directly or indirectly causes differential treatment of, or otherwise adversely affects, an employee or prospective employee in the course of employment or applying for employment, and the act or practice is based on statutorily protected or prohibited ground under the human rights legislation, which includes race, color, religious beliefs, physical or mental disability, marital status, age, gender, gender identity, gender expression, ancestry, place of

origin, family status, source of income, socio-economic status, family status, or sexual orientation.

- 7.2 Bullying or personal harassment - A repeated pattern of negative behaviour intended to cause harm, isolation, fear or distress, including psychological harm or harm to a person's reputation that could have a lasting harmful effect on someone's psychological or physical well-being.
- 7.3 Misuse of authority - The use of authority unreasonably to interfere with an employee or the employee's job, such as humiliation, intimidation, threats, and coercion. It does not include normal leadership activities, such as coaching, performance reviews, and discipline, as long as these are not being done in a discriminatory manner.
- 7.4 Sexual harassment - Any unsolicited and unwelcome, sexually oriented behaviour. It includes, but is not limited to, offensive or humiliating behaviour related to a person's sex, as well as behaviour of a sexual nature that creates an intimidating, hostile, or "poisoned" work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities (an implied or expressed threat of reprisal for refusal to comply with a sexually oriented request). Examples include, but are not limited to, unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship); displays of sexually explicit, sexist, racist, or other offensive or derogatory material.

Examples could include, but are not limited to, the following behaviour:

- unwelcome conduct, comments, gestures or contact that cause offence or humiliation (e.g. name-calling, harassing phone calls, spreading rumors);
- deliberate misgendering (i.e. referring to a person using terms or pronouns that do not align with the person's affirmed gender);
- physical or psychological bullying that creates fear or mistrust or that ridicules or devalues the individual (e.g. fist shaking, yelling);
- intimidation (e.g. standing too close or making inappropriate gestures/comments);
- exclusion or isolation of individuals;
- cyberbullying (e.g. posting or sending offensive or intimidating messages through social media or email);
- deliberately setting the individual up to fail (e.g. making unreasonable demands or setting impossible deadlines);

- intentionally withholding information or giving the wrong information;
- attempting to discredit a member by spreading false information about them;
- displaying or circulating offensive pictures; or
- retaliation of any kind for having reported or threatened to report harassment.

Examples of harassment do **not** include the following behaviour:

- standard performance/probation management (includes constructive performance feedback from your leader, performance concerns and progressive discipline);
- appropriate exercise and delegation by leaders;
- operational leadership directives/decisions;
- disagreement or misunderstanding;
- conflict between members;
- work-related change of location, co-workers, or job assignment;
- less than optimal management;
- a single comment or action unless it is serious and has a lasting harmful effect; and
- rudeness unless it is extreme and repetitive.

8. Support

<u>Resources</u>	<u>Contact Information</u>
Call emergency services if necessary	911
Calgary Police Non-Emergency Services	403-266-1234
Employee Assistant Program (FSEAP)	1-800-661-8246