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**4F-2023 Respectful & Inclusive Community Policy**

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**1. Purpose**

- 1.1 Building respectful relationships and trust at St. Mary's University (hereafter, the university) is fundamental to our success in achieving a healthy and positive work environment. The benefits of a respectful workplace include:
- improved team communication, morale, and productivity
  - strengthened employee retention
  - reduced absenteeism
  - enhanced overall organizational health
- 1.2 All community members working or acting as volunteers at or for the university share the responsibility and expectation of upholding this policy.
- 1.3 In alignment with the *Alberta Occupational Health and Safety Act*, the purpose of this policy is to help ensure that all individuals, 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 during university-related activities on or off campus which could reasonably be associated with the workplace. This policy will enable the university to promote and maintain a vibrant work environment where everyone is treated with respect, civility, and dignity.
- 1.4 All community members working or acting as volunteers at or for the university share the responsibility of creating and fostering a safe, respectful, and inclusive environment. Based on the *Human Rights Act* and *Occupational Health and Safety Act*, employees and volunteers are strongly encouraged to report any instances of discrimination, bullying, violence, and harassment whether they are the target of, or witness to, an incident. In all cases where a concern is raised and/or a formal

Approval Authority	Responsible Office	Effective Date	Date Last Revisited	Review Frequency
President's Council	Human Resources	May 24, 2023	May 24, 2023	Every 5 years

complaint is made, a full review of the incident will occur by appropriate authorities to determine proper steps of action.

- 1.5 All community members are required to complete [Respect in the Workplace training](#).

## **2. Guidelines**

- 2.1 Incidents of discrimination, bullying, and harassment can often be resolved through direct communication provided that the individual feels comfortable and safe doing so. Wherever possible, the university supports reconciliation between the involved parties as part of the resolution process. To help ensure that the necessary steps are taken to respond to the complaint if the issue is not resolved, university leaders and the Human Resources department are available for immediate support and assistance.
- 2.2 The university is devoted to fostering an environment in which each individual is valued and heard. Consequently, all incidents of concern regarding discrimination, bullying, violence, and harassment should be reported promptly to the individual's immediate **Leader** and the **Human Resources** personnel responsible for campus integrity concerns. The right to report includes affected individuals, witnesses, or individuals who receive notice of inappropriate conduct. If the accused individual in question is in a leadership role, the complainant should email [Campus Integrity](#) directly. In the event that the complaint is about Human Resources, the President and/or their delegated 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.
- 2.3 In consideration of, and respect for all parties involved, a Leader and relevant Human Resources personnel notified about an incident will handle all complaints promptly. Incidents will be fully reviewed and handled with confidentiality, sensitivity, and expediency. Concerns or complaints shall not 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 (EAP) and/or consult a physician.

- 2.4 To help ensure the safety and well-being of everyone in our community, threats of reprisal or retaliation against any individual who participates in this process will not be tolerated. All individuals are strongly encouraged to report incidents. False accusations or violations of this policy may be subject to relevant disciplinary measures. Leaders are obligated to resolve miscommunications and report when necessary.
- 2.5 Behaviours that support and create a healthy, safe workplace are highly encouraged.
- 2.6 Where there are disagreements, we encourage all community members to use respectful behaviour when interacting with others.

### **3. Identifying, Responding & Reporting**

- 3.1 Important items to keep in mind when encountering or witnessing discrimination, bullying, harassment, and violence include:
- **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 by email. Leaders and Human Resources are available for support if needed.
  - **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.
  - **Report it** – report the incident(s) to both your Leader and Campus Integrity via email at [campus.integrity@stmu.ca](mailto:campus.integrity@stmu.ca). In the event the accused is in a leadership role or the President, then the employee should report the incident(s) directly to Campus Integrity. In the event that the complaint is about Human Resources, report the incident(s) directly to the President.
  - **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.

- 3.2 If an individual is faced with a threat from outside of the university workplace that has the potential of being carried out in the workplace, please notify your Leader and Campus Integrity immediately. If available, provide a copy of any protective or restraining order prohibiting an individual from having contact with you at the workplace. The university is committed to providing support and resources.
- 3.3 It is important for individuals to know that they shall 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. Employees reserve the right to exercise their worker's rights as defined by law. Any person who, in good faith, makes a complaint or reports an incident is protected against any form of 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.
- 3.4 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.

#### **4. Confidentiality**

- 4.1 Confidentiality will be maintained at all times to the fullest extent possible. The University pledges to respect the privacy of all concerned, 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:
- i. to investigate the incident or to take corrective action
  - ii. to inform the parties involved in the incident of the results of the investigation and corrective action taken
  - iii. to inform individuals of a specific or general threat of violence or potential violence
  - iv. as required by law

- 4.2 Although 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 requisite details are obtained to appropriately address their complaint.
- 4.3 In the instances of 4.1.iii in this policy, the university will disclose only the minimum amount of personal information required that is necessary to inform relevant individuals of a specific or general threat of violence or potential violence.

## **5. Investigations**

- 5.1 Human Resources personnel will appropriately investigate any allegations of disrespect in the workplace and take corrective action to address any reported incidents.
- 5.2 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
  - endeavour to determine the extent to which other individuals possess information germane to the investigation
  - 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 this policy
  - inform the complainant and respondent of the outcome of the investigation, including whether the policy was breached
- 5.3 Individuals who are interviewed in relation to a complaint or investigation are strongly encouraged to abide by strict confidentiality and not discuss the allegations, evidence, or other information they learn during the process with anyone.
- 5.4 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 the alleged harasser); being fair to the person named in the matter; and permitting that person to hear and respond to the complaint.

## **6. Resolution**

- 6.1 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
  - corrective disciplinary action up to and including termination.
- 6.2 The appropriate Leader(s) will endeavour to ensure that accurate and complete records are provided to the relevant Human Resources department. Human Resources will maintain a file of all complaints, whether evidence to support the complaint is found or not.
- 6.3 Upon review of all information, if there is insufficient evidence to support the complaint, there will be no record of the complaint in either party's individual personnel file secured in Human Resources. The Human Resources personnel files are independent from working files with direct Leaders and Faculty files housed with the VPA.
- 6.4 If there is sufficient evidence to support the complaint, the record of the complaint will be secured in the individual's Human Resources personnel file and retained in accordance with the university's document retention policy. Investigation information will be kept confidential and separate from academic files housed with the VPA relating to promotion and tenure. Human Resources will provide direct

Leaders and/or the VPA with relevant information pertaining to accountability for corrective action as required.

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

## **7. Resources**

### **7.1 On-Campus Support Resources:**

- Human Resources personnel for all employees i.e., faculty, administrative staff, independent contractors, and volunteers – [campus.integrity@stmu.ca](mailto:campus.integrity@stmu.ca)
- Campus Security – 403-671-HELP (403-671-4357)

### **7.2 Off-Campus Support Resources:**

- Emergency Services – 911
- Calgary Police non-emergency services - 403-266-1234
- Employee Assistance Program (FSEAP) - 1-800-661-8246
- Distress Centre 24 hour crisis line (call or text) - 403-266-HELP (403-266-4357) or email [help@distresscentre.com](mailto:help@distresscentre.com)

## **8. Definitions**

- 8.1 **Good Faith** – acting with sincere intention to be fair, open, and honest, free from malice or a desire to defraud another individual or infringe upon their rights, and regardless of the outcome.
- 8.2 **Harassment** - Harassment may be just a single incident or multiple incidents over time in the workplace (including working remotely), social media, and community

work settings, and may include any conduct, whether verbal, written or gesture, which a reasonable person would consider:

- **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 grounds 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.
- **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.
- **Misuse of authority** - The use of authority unreasonably to interfere with an individual or the individual's role, such as humiliation, intimidation, threats, and coercion. It does not include normal leadership or classroom activities, such as coaching, performance reviews, and discipline, as long as these are not being done in a discriminatory manner.
- **Sexual harassment** - Any unsolicited and unwelcome, sexually oriented behaviour. Refer to Sexual & Gender Based Harassment and Violence Policy for additional information.

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

- unwelcome conduct, comments, gestures or contact that cause offence or humiliation
- physical or psychological bullying that creates fear or mistrust or that ridicules or devalues the individual
- intimidation exclusion or isolation of individuals
- cyberbullying
- deliberately setting the individual up to fail
- intentionally withholding information or giving the wrong information
- attempting to discredit an individual by spreading false information about them

- displaying or circulating offensive pictures
- 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 of responsibilities by leaders
- operational leadership directives/decisions
- disagreement or misunderstanding
- conflict between individuals
- work-related change of location, co-workers, or job assignment
- less than optimal management
- displaying or sharing content that is protected by academic freedom
- a single comment or action unless it is serious and has lasting harmful effect

8.3 **Individual** – This includes any individual who is a part of the University community including all employees (staff and faculty), contractors, consultants, volunteers, Members of the Board of Governors, or employees or organizations representing the university when on university property.

8.4 **Leader** - Supervisor, program coordinator, area chair, team leader, manager, director, dean, executive.

8.5 **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 threatening behaviour verbal or written threats
- sexual violence (see Sexual & Gender Based Harassment and Violence Policy for details)

8.6 **Workplace** – the “workplace” includes the university premises or any other location where employees may engage in university business, activities or social events.