



University College of the North

RESPECTFUL WORK AND LEARNING ENVIRONMENT

PROCEDURES MANUAL

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INTRODUCTION

The Respectful Work and Learning Environment Procedures Manual is to be used as a reference for staff and students at the University College of the North (UCN). This manual will assist the UCN community in understanding their rights and responsibilities under UCN policy *HR-05-07 Respectful Work and Learning Environment*. The majority of the contents in the Respectful Work and Learning Environment policy has also been incorporated directly into this manual.

OUR COMMITMENT

UCN is committed to providing a respectful, healthy and safe work and learning environment, where all members of the UCN community are free from discrimination and harassment.

UCN will not tolerate any conduct that is found to be in violation of these principles.

DEFINITIONS

Bullying which is often referred to as Personal Harassment, is defined as frequent or persistent negative actions or comments directed towards an individual or group of individuals that are inappropriate, demeaning or otherwise offensive and that reasonably creates an uncomfortable, hostile, or intimidating workplace or learning environment.

Examples of Bullying Behaviour includes, but is not limited to:

- repeated refusal to speak to someone;
- frequent and inappropriate avoidance of someone;
- persistent exclusion from workplace informational discussions or UCN social events;
- deliberate insensitive comments;
- deliberately and repeatedly setting tasks unreasonably below or beyond a person's job duties and skill level;
- spreading rumours or malicious gossip;
- belittling comments or behaviours;
- acts of lateral violence;
- yelling, screaming, swearing at another individual;
- rude and inappropriate gestures;
- slamming doors;
- throwing objects;
- verbal threats;
- physical intimidation;
- unwanted physical contact; or
- violent behaviour.

Complainant means an individual(s) who files a complaint under this Policy.

Discrimination is defined under the Manitoba Human Rights Code ("the Code") as:

- (a) differential treatment of an individual on the basis of the individual's actual or presumed membership in or association with some class or group of persons, rather than on the basis of personal merit; or
- (b) differential treatment of an individual or group on the basis of any characteristic protected under the Code. These characteristics are:
 - ancestry, including colour and race;
 - nationality;
 - ethnic background or origin;
 - religion or creed, or religious belief, religious association or religious activity;

- age;
 - sex, including pregnancy;
 - gender-identify
 - sexual orientation;
 - marital or family status;
 - source of income, including funding, financial and/or economic status;
 - political belief, association or activity;
 - physical or mental disability
 - social disadvantage
- (c) differential treatment of an individual or group on the basis of the individual's or group's actual or presumed association with another individual or group whose identity or membership is determined by any characteristic protected under the Code;
- (d) failure to make reasonable accommodation for the special needs of any individual or group, if those special needs are based upon any characteristic protected under the Code;
- (e) discrimination in systems or procedures that have an adverse effect on an individual or group on the bases of any characteristic protected under the Code is considered systemic discrimination and must be addressed;
- (f) it is not discrimination to adopt or implement special measures to deal with historical or systemic discrimination through employment equity, diversity and inclusion policies or programs, or to make required reasonable accommodation for individuals or groups on the basis of any protected characteristic under the Code.

Examples of Discrimination includes, but is not limited to:

- during a job interview, it is discriminatory for an employer to ask inappropriate questions about childcare arrangements if you are a parent, or whether or not you plan to have children;
- interview questions about disabilities or health limitations; your age, your religion or any other personal characteristic protected under human rights are discriminatory (other than where the employer proves a bona fide occupational requirement);
- not being successful in an application for employment based solely on your answer to such questions as noted above, and not your qualifications or experience is discriminatory;
- a policy against headwear could affect people of certain religions;
- refusing to call an individual by their chosen name or preferred pronouns.

Disrespectful Behaviour is disruptive to positive and courteous communication and collaborative working relationships. Behaviour is also considered disrespectful if it does not value diversity, inclusion, dignity and fairness. More objectionable and severe forms of disrespectful behaviour may be considered harassment (psychological/personal harassment or bullying).

Examples of Disrespectful Behaviour includes any behaviour that is unwelcome and inappropriate in the work and learning environment, including but not limited to:

- rude comments;
- gossiping;
- constantly interrupting, speaking over others;
- refusal to extend customary greetings to people such as “good morning”, etc.;
- unwelcome and offensive gestures (e.g. pointing);
- actions which invade personal space or personal property;
- angry or rude outbursts;
- yelling/shouting;
- swearing;

- insensitive jokes;
- sarcasm or taunting;
- condescending comments;
- hostile notes or email/phone messages;
- overbearing behaviour;
- intentionally communicating incomplete/incorrect information;
- staring/glaring;
- spiteful, “backstabbing” behaviour;
- making faces/eye rolling;
- positioning body so as to intentionally exclude others;
- resistance to work collaboratively.

These behaviours may ultimately be considered “harassment”, depending on any escalation of such behaviour, and the specific facts of each situation.

Harassment is any behaviour displayed by an individual that is offensive to another individual and/or where such behaviour continues after it has been requested that the behaviour cease. Harassment is typically ongoing behaviour which creates a risk to another individual, but it may also result from a single incident which is so serious that it has a lasting, harmful effect on another individual. Harassment may be written, verbal, physical, online/electronic, a gesture or display or any combination of these.

- (a) under the Manitoba Human Rights Code, “Harassment” is defined as:
- a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any characteristic referred to in the Code;
 - a series of objectionable and unwelcome sexual solicitations or advances; or
 - a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought to reasonably know that it is unwelcome; or
 - a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.
- (b) under the Manitoba Workplace Safety and Health Act/Regulation, “Harassment” (bullying or psychological/personal harassment) is defined as:
- objectionable conduct that creates a risk to the health of a worker. Conduct is considered objectionable, if it is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin;
 - severe conduct that adversely affects a worker’s psychological or physical well-being. Conduct is considered “severe”, if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on an individual. Psychological/Personal Harassment or Bullying is not based on any of the protected characteristics under the Manitoba Human Rights Code;
 - the Regulation clarifies that conduct includes written or verbal comments, a physical act or gesture or a display, or any combination of these.

Examples of Harassment includes, but is not limited to:

- repeated or continuous disrespectful behaviour;
- verbal, written or physical threats;
- belittling or shaming;
- reprimanding an individual in the presence of others;
- demeaning comments;
- cyberbullying;
- unwarranted and/or nonconsensual physical contact;
- advances made from a person in authority;

Conflict Resolution Advisor means the Director of Human Resources or designate (which may include qualified individuals external to UCN).

Respectful Behaviour means behaviour that values dignity, diversity, inclusion, courteous and civil conduct, mutual respect and fairness. Respectful behaviour promotes positive communication in an environment which invites collaborative working relationships.

Respondent means the individual(s) required to respond to a complaint.

Sexual Harassment is harassment based on sex or creating or permitting a sexualized or sexually charged, negative work atmosphere. Sexual harassment usually (but not always) occurs where there is a power imbalance between the people involved.

Sexual harassment includes offensive or humiliating behaviour that is related to a person's gender, or behaviour that could reasonably be seen as putting conditions on a person's job or employment, housing or service opportunities.

The Human Rights Code definition of harassment includes sexual harassment.

Examples of Sexual Harassment or violence includes but is not limited to:

- any unwelcome, objectionable or unwelcome sexual solicitations or advance;
- inappropriate touching;
- leering, ogling or other sexually orientated gestures;
- a reprisal, retaliation or any threat of retaliation for rejecting a sexual solicitation or advance;
- abusive remarks or behaviours based on sex, gender or sexual orientation;
- any reprisal or threat of reprisal for filing a sexual harassment complaint;
- questions and discussions about a person's sexual life;
- persisting in asking for a date after having been refused;
- writing sexually suggestive letters or notes;
- "jokes" or reference to sex or sexual topics or displaying derogatory or pornographic pictures, cartoons or other such images;
- sexual assault.

Supervisor for the purposes of this Policy refers to any employee who supervises another employee, and students are considered workers under the supervision of Faculty Members.

UCN Community is defined as all employees and students, as well as all members of the Governing Council, Learning Council, Council of Elders and any contractors, visitors, volunteers and members of the public visiting or utilizing UCN property or services.

What is NOT Considered Disrespectful Behaviour, Harassment or Discrimination

- this Policy does not limit UCN's right to manage. It is not disrespectful behaviour, harassment or discrimination for a supervisor (including a faculty member in the case of a student) to take reasonable action in a respectful manner as expected of their position in order to assess, evaluate, provide feedback and direction, assign work, transfer, demote, or discipline an employee or student;
- UCN acknowledges the legitimate right and responsibility of faculty members to evaluate student work, to manage behaviour in the classroom and lab or other teaching/learning site, and to correct inappropriate student behaviour. Student complaints of an academic nature and issues of academic dishonesty and misconduct are to be addressed through the processes outlined in the Academic Calendar and any other relevant UCN policies and procedures;

RIGHTS AND RESPONSIBILITIES

All member of the UCN Community have the right to a respectful, healthy and safe work and learning environment, that is free from harassment and discrimination.

Members of the UCN Community - It is the responsibility of every member of the UCN community to behave in a respectful manner, and to ensure their behaviour is free from any action, either intentional or unintentional, that may reasonably be interpreted as harassment, discrimination or disrespectful in any way. Accordingly, they shall:

- refrain from exhibiting any type of inappropriate behaviour that could reasonably be perceived to be disrespectful, harassment of any type, or discrimination;
- be encouraged to speak up if they experience or witness behaviour which is concerning and which may be in violation of UCN policies, *HR-05-07 Respectful Work and Learning Environment* or *AC-01-28 Student Code of Rights and Responsibilities*;
- take any mandatory respectful behaviour training;
- cooperate in the complaint resolution process as required as Complainant, Respondent or potential witness.

Management, Supervisors and Faculty Members have an important role in addressing concerns related to a respectful work and learning environment. Accordingly, they must:

- model respectful behaviour, free from harassment and discrimination at all times, and ensure that others whom they supervise are aware of and respect the requirements of *HR-05-07 Respectful Work and Learning Environment* policy;
- ensure any issue of concerning behaviour that they are aware of is managed in a timely manner, whether or not a complaint has been made. Where a Supervisor observes a situation which may be perceived as inappropriate behaviour, they shall attempt to intervene and resolve the issue. Supervisors are encouraged to contact the Conflict Resolution Advisor if they require assistance in managing any concerning behaviour;
- document all information related to a concern under *HR-05-07 Respectful Work and Learning Environment* policy;
- bring forward any actual complaint of inappropriate behaviour to the attention of the Conflict Resolution Advisor;
- maintain confidentiality with regard to the names of Complainants, Respondents or any other individual involved in a complaint, and the circumstances of a complaint, except where disclosure is necessary in order to fully investigate a complaint, to take necessary corrective action or is required by law;
- ensure there is no retaliation against any individual involved in a complaint process;
- ensure that the work and learning environment restoration measures are put into place following the resolution of a complaint.

Supervisors who are aware of an incident involving inappropriate behaviour but fail to take reasonable steps to resolve or address the matter leave themselves and UCN open to legal consequences through human rights and other complaints, and will be subject to corrective action.

Conflict Resolution Advisor or designate (which may include qualified individuals external to UCN) ensures due process to all parties in a complaint process. Accordingly, they must:

- follow the roles and responsibilities as set out for supervisors;
- ensure respectful behaviour training is offered to members of the UCN Community;
- ensure relevant support is provided to supervisors, employees, students and other members

of the UCN Community in relation to *HR-05-07 Respectful Work and Learning Environment* policy;

- direct the complaint resolution process, including conducting formal investigations as required;
- ensure that Complainants are advised that they may file a complaint in good faith under this Policy, and/or where applicable, under UCN Policy *WS-01-14 Prevention of Sexual Violence*, and they may also file with the Manitoba Human Rights Commission, the Workplace Health and Safety Act and Regulations, the Criminal Code, or through other legal channels;
- ensure that complaints and all actions taken to resolve complaints are properly documented;
- provide the Chief Administrative Officer (CAO) and/or the Vice-President Academic & Research (VPAR) with confidential notice of each incident of disrespectful behaviour, harassment and discrimination which is brought to their attention, as well as the outcome of each complaint process, including formal investigations;
- in consultation with the relevant manager(s) and the CAO and/or VPAR, ensure that appropriate corrective action is taken respecting employees and students, and other members of the UCN Community where there is a breach or violation of the *HR-05-07 Respectful Work and Learning Environment* policy.

Complainants have the right and responsibility to:

- request information and education about *HR-05-07 Respectful Work and Learning Environment* policy and filing a complaint;
- document all information related to a concern under *HR-05-07 Respectful Work and Learning Environment* policy;
- file a complaint in good faith under *HR-05-07 Respectful Work and Learning Environment* policy, and/or where applicable, under UCN Policy *WS-01-14 Prevention of Sexual Violence*, and they may also file with the Manitoba Human Rights Commission, the Workplace Health and Safety Act and Regulations, the Criminal Code, or through other legal channels;
- make their objection or disapproval about an individual's actions known to that individual if at all possible. The Complainant is not required to discuss the matter with the offending individual before filing a complaint if they do not feel safe in doing so, or where there is a perceived or real imbalance of power in the relationship.
- obtain a review of their complaint without ridicule or reprisal;
- be accompanied by a person of their choice during investigation interviews related to their complaint. This person cannot be a witness or potential witness;
- receive updates in a reasonable timeframe as to the status of their complaint;
- receive information about the outcome of their complaint;
- have details of their complaint remain confidential;
- be assured that any written complaint, comments or other documentation related to the fact that they initiated a complaint will be excluded from their employee or official student file, unless they are found to have intentionally filed a malicious or vexatious complaint;
- cooperate in an honest manner with those responsible to resolve or investigate their complaint;

Respondents have the right and responsibility to:

- be informed in a timely manner that a complaint has been filed about their behaviour;
- be informed, in the case of a formal complaint, with the details of the allegations;
- be accompanied by a person of their choice during investigation interviews related to the complaint. This person cannot be a witness or potential witness;
- have details of the complaint remain confidential;
- receive updates in a reasonable timeframe as to the status of the complaint;
- receive information about the outcome of the complaint, including any corrective action;
- be assured that any written complaint, comments or other documentation related to the complaint will be excluded from their employee or official student file, until such time as a complaint is determined to be valid and the Respondent's behaviour a violation of the *HR-05-07 Respectful Work and Learning Environment* policy, and corrective action is taken.

EXPERIENCED DISRESPECTFUL BEHAVIOUR?

Conflict may be expected in any workplace or learning environment. Addressing problems of interpersonal conflict between individuals in a respectful and timely manner can prevent situations from escalating and becoming more serious in the future. All members of the UCN community are encouraged to address such situations immediately. Behaviour that is, or is perceived to be, disrespectful can often be remedied through discussion and education.

The following is intended to provide guidance to individuals who have experienced or witnessed behaviour that they believe to be disrespectful. It is important to understand that each situation is different and there are several ways to address issues of disrespectful behaviour.

Note: *This procedures guide does not address behaviours that are considered of a violent nature. In such situations, UCN policy WS-01-11 Violence in the Workplace shall apply in incidents of violence; WS-01-14 Prevention of Sexual Violence shall apply in incidents of sexual violence.*

IMMEDIATE RESOLUTION

Individuals are encouraged to try and resolve the problem directly with the individual with whom they have a concern.

When addressing an individual, it is important to:

- address the situation in person or in writing;
- address situations professionally, respectfully and confidentially;
- bring the impact of their behaviour to their attention and ask them to stop.

An individual may not realize the impact of their behaviour if it has not been brought to their attention, and this gives them the opportunity to change their actions and contribute to a respectful work and learning environment.

When an individual in the UCN community observes a situation, which could be perceived as inappropriate behaviour, they can attempt to intervene, whenever possible. Any individual in the UCN community who has witnessed another individual or group being subjected to inappropriate behaviour by another member of the UCN community or in connection to UCN activities is encouraged to notify the Conflict Resolution Advisor.

CONSULTATION

Any individual who believes that they have been subjected to inappropriate behaviour at UCN is encouraged to seek assistance and to bring their concern forward prior to filing a complaint. The individual may communicate their concerns (verbally or in writing) and ask for assistance and support from anyone at UCN with whom they feel comfortable sharing the information. UCN employees can contact their immediate supervisor, Conflict Resolution Advisor, Human Resources, a union representative or the Employee and Family Assistance Program. Students can contact a faculty member, Dean, Student Counsellor, Student Advisor, or Campus Elder Advisor.

Consulting these supports does not commit an individual to filing a formal complaint. They will be assisted in discussing possible solutions and identifying appropriate ways of responding to the concerns both through formal and informal means. They will also be advised that confidentiality will be respected to the extent possible.

Following consultation, an individual may consider, but is not limited to the following options:

- pursue an informal resolution process;
- file a formal complaint;
- not pursue the matter;
- the employer may determine that the concern does not fall under the provisions UCN policies *HR-05-07 Respectful Work and Learning Environment* and/or *AC-01-28 Student Code of Rights and Responsibilities*, and no further action will be taken; or
- the employer may decide to pursue the matter on its own initiative due to the serious nature of the concern raised and either an informal resolution process will be pursued or a formal investigation will begin.

INFORMAL RESOLUTION PROCESS

Informal resolution is a voluntary process and both parties must agree to the process. The informal approach can be a more efficient and effective method to resolve disrespectful behaviour and minor issues of interpersonal conflict. This approach supports collaboration and problem-solving rather than blame and can empower individuals to focus on working together to find solutions that support a respectful work and learning environment.

The objective of the informal resolution process is to find a resolution mutually agreeable to the parties. Some options for informal resolution include:

Communicating Directly – Any individual experiencing inappropriate behaviour is encouraged to discuss their concerns directly with the individual with whom they have a concern (verbally or in writing). The Complainant may explain how the Respondent's behaviour affected them and request that the behaviour stop.

Support of Supervisor or Conflict Resolution Advisor – If the Complainant does not feel comfortable communicating directly with the Respondent, they may communicate their concerns and request assistance and support from their supervisor or the Conflict Resolution Advisor. The supervisor or the Conflict Resolution Advisor may meet with the individual to advise them of the concerns brought forward and to clarify expectations, making it clear that they are asking for the behaviour to stop.

Another option may be for the supervisor or the Conflict Resolution Advisor to arrange a facilitated discussion with all parties involved. In this situation, it is best for the Respondent to be

aware of the nature of the discussion in advance so that they are not caught off guard. This discussion is intended to resolve the matter and support a more positive outcome.

Resolving Through Group Meeting – In this option, the Complainant can discuss their concerns with their supervisor or the Conflict Resolution Advisor. The supervisor or the Conflict Resolution Advisor can discuss expectations of behaviour more generally at a staff or student meeting or in a written document outlining expected behaviour. This option would support anonymity, as no specific concern will be discussed, rather the conversation would serve as a reminder of expectations under the *HR-05-07 Respectful Work and Learning Environment* policy.

Resolving Through Mediation - This option uses the assistance of a trained neutral third-party mediator to attempt to resolve the concerns, and to build agreement on future interactions that focus on restoring the relationship and not on finding fault of either party.

Informal resolution may not be an option in some cases (for example, the power imbalances are too significant, or there is a lack of trust between the parties). If informal resolution is not an option, or does not result in a resolution, a formal resolution process may take place.

FORMAL COMPLAINT RESOLUTION PROCESS

Filing a Complaint

Filing a formal complaint under *HR-05-07 Respectful Work and Learning Environment*, must be made within twelve (12) months of the alleged behaviour, although Complainants are encouraged to report incidents as soon as possible after they occur. This limitation period may be extended in extenuating circumstances.

To file a formal complaint, the following shall apply:

- (a) A formal complaint must be made in writing on the ***Respectful Work and Learning Complaint*** form and submitted to the Conflict Resolution Advisor. The complaint form must be signed, dated, and include all the details of the allegation.
 - Details of the allegation must include: description of the nature, time and frequency of the offensive behaviour, places, name(s) of individual(s) involved in the incident(s), name(s) of any witnesses, information on how the Complainant would like to see the concerns resolved, and any other relevant information.
- (b) Once a formal complaint has been received, the Conflict Resolution Advisor will confirm that they have received the complaint and will determine, based on the content of the complaint, whether the concern falls within the *HR-05-07 Respectful Work and Learning Environment* policy.
 - If the concern falls under the policy, the Conflict Resolution Advisor will then determine whether a formal investigation is required, or if an informal resolution process should be pursued.
 - If the concern does not fall under the policy, the Conflict Resolution Advisor will inform the Complainant that the matter will not be pursued under the policy and will advise of other possible processes that may be appropriate.

UCN may take whatever interim action is considered necessary in all circumstances, pending completion of a complaint or an investigation under *HR-05-07 Respectful Work and Learning Environment* policy. Such measures may include, but are not limited to:

- limiting communication between the parties;
- removing one or more parties from the work or learning environment;

- ordering a cease and desist from engaging in a particular behaviour.

Formal Complaint / Informal Resolution Process

If an informal resolution process is identified, the Conflict Resolution Advisor will work with the Complainant and their union representative, and others identified in the complaint, in an effort to satisfactorily resolve the concern.

Formal Complaint / Investigation Process

Not every formal complaint warrants an investigation. However, at times, an investigation will be required. The objective of an investigation is to ensure that all formal complaints of harassment or discrimination are resolved by due process for all parties concerned, considering all relevant information prior to a determination being made.

If a formal investigation is required, the Conflict Resolution Advisor will inform the Complainant and the Respondent and assign an investigator.

- The investigation will commence in a timely basis once a formal complaint has been received. The investigator will contact the Complainant, the Respondent, and any witnesses, to inform them of next steps, and to answer any procedural questions.
- The Conflict Resolution Advisor will make every effort to minimize the necessary contact between the parties during the investigation.
- If the Conflict Resolution Advisor has acted in the informal resolution stage of the complaint, the investigation may then be conducted by another appropriately trained investigator in the event there may be a perception of bias.
- If the alleged complaint is based on actions of the Conflict Resolution Advisor, the investigation will be conducted by an external investigator and the findings will be reported to the CAO.
- If the alleged complaint is based on actions of the President and Vice-Chancellor, the complaint will be conducted by an external investigator and the findings will be reported to the Chair of the Governing Council.

A formal investigation generally includes the following:

- the investigator will interview the Complainant, the Respondent, and any witnesses or individuals with relevant information;
- both parties may be accompanied by a union representative or by a person of their choice during investigation interviews related to the complaint. This person cannot be a witness or potential witness.
- determining the facts;
- maintaining confidentiality among the individuals involved;
- the investigator will evaluate all of the evidence and provide their findings in a confidential written investigation report to the Conflict Resolution Advisor;
- the Conflict Resolution Advisor will ensure that the Complainant and the Respondent receive regular updates.

Investigation Procedures

- The spirit of fairness and due process to all parties will guide the proceedings in any complaint process or formal investigation. All parties have the right to a fair and impartial investigation.
- All members of the UCN community relevant to a particular complaint under the *HR-05-07 Respectful Work and Learning Environment* policy are required to cooperate in an honest manner when called upon during an investigation. Interference with the conduct of an

investigation or failure to cooperate in the investigation process may itself result in corrective action.

- (c) The investigator assigned to investigate a complaint shall prepare a confidential written investigation report. The report will include full details about the steps taken in the investigation process, including information provided from each party interviewed, and a conclusion about whether, on the balance of probabilities, there has been a breach of *HR-05-07 Respectful Work and Learning Environment* policy. The report will not include specific recommendations for corrective action to be taken with regard to an individual student, or employee; however, the report may include recommendations on actions to be taken to correct any deficiencies found through the investigation.
- (d) The Conflict Resolution Advisor, in consultation with the relevant manager(s) and the Director of Human Resources, shall make recommendations with regard to what, if any, corrective action should be taken as a result of the findings contained in the investigation report.
- (e) A written summary of the investigation findings and whether a breach of the policy has been found, will be provided to the Complainant and the Respondent once the investigation is complete. Where corrective action is put into place for the Respondent, the specific information about the action taken will not be shared with the Complainant, but rather a general statement will be included to confirm that Management has taken appropriate action.

Withdrawing a Formal Complaint

- (a) Where a Complainant indicates they wish to withdraw a complaint, they will be notified by the Conflict Resolution Advisor that UCN may determine the issue is important enough that an investigation must continue. Depending on the circumstances, failure to do so where there is potential, current or future risk to members of the UCN community is a violation of the legal requirements and of the *HR-05-07 Respectful Work and Learning Environment* policy.

TIME FRAME

- (a) The informal resolution process shall be concluded within 30 business days from the date of receipt of the complaint.
- (b) The formal resolution process shall be concluded within 90 business days from the date of receipt of the formal complaint to the Conflict Resolution Advisor.
- (c) There may be the need for extensions to timeframes due to various factors. In the event an extension is necessary, the Complainant and the Respondent will be notified in writing..

CORRECTIVE ACTION

Corrective action may be taken at the conclusion of a formal resolution process when a student or employee has been found to have been in violation of *HR-05-07 Respectful Work and Learning Environment* policy. Each situation is individually assessed to determine the appropriate level of corrective action based on a number of factors (e.g. severity of the incident). Corrective action may include, but is not limited to:

- an apology;
- training or coaching;
- referral to educational or psychological services;
- restricted access to specific areas of UCN or to a particular campus;
- disciplinary measures, such as a warning, reprimand, suspension, or dismissal;
- alternative dispute resolution methods, such as mediation, sharing circle, or other restorative measures;
- academic penalty;
- notification to the appropriate authorities (e.g. local police, RCMP);

APPEALS / GRIEVANCE PROCESS

- (a) A student who wishes to appeal any corrective action taken based on the complaint process and findings under this Policy may file an appeal in accordance with the procedures set out in UCN policy *AC-01-06 Academic and Disciplinary Appeals*.
- (b) A unionized employee has the right to file a grievance as per the grievance and arbitration process of the Collective Agreement. An employee who is not a member of a union, has the right to file a grievance as per the Terms and Conditions for excluded employees. A contractor has the right to appeal as per any written contract in place related to their employment.
- (c) A Council member may file an appeal with the Governing Council.
- (d) A volunteer, visitor or member of the general public may file an appeal with the CAO or the VPAR.

RETALIATION OR REPRISAL

- (a) Retaliation or reprisal of any sort against an individual who has brought forward a concern relating to a disrespectful work or learning environment, filed a complaint of harassment or discrimination, or who has been involved in the complaint process will not be tolerated.
- (b) Any allegations of retaliation shall be reported immediately to the Conflict Resolution Advisor and shall be subject to immediate investigation. Examples of retaliation may include, but are not limited to:
 - threat of or actual impact on academic grades or standing;
 - threat of or actual demotion or involuntary transfer;
 - future negative implications for entrance to other UCN programs or services;
 - future negative implications for employment, training or promotion;
 - isolating or excluding the parties to a complaint from study or work-related activities.

FALSE, BAD FAITH, MALICIOUS OR VEXATIOUS COMPLAINTS

Where a complaint made under this Policy is determined to be false or filed in bad faith, or deliberately filed in a malicious or vexatious manner to damage the reputation of an individual or group, this may be considered harassment, and the Complainant may be found in violation of this Policy. Complaints made in good faith, but which are ultimately found to be without merit are not to be considered malicious or vexatious.

ANONYMOUS DISCLOSURES

Where a supervisor or the Conflict Resolution Advisor receives an anonymous disclosure of inappropriate behaviour, they will assess and address the situation to the best of their ability to ensure a safe and respectful work and learning environment is maintained. There are limitations to resolving or investigating an anonymous disclosure which include:

- (a) follow-up that is required to verify facts may not be conducted with the Complainant, and this impacts the ability to investigate the matter.
- (b) insufficient evidence and/or corroborating support through witnesses impacts the ability to fully investigate.
- (c) The anonymity of a Complainant cannot be guaranteed, as details uncovered during any such investigation could lead to speculation or knowledge of the disclosing individual.
- (d) The Complainant may not be made aware of the outcome of any investigation related to an anonymous disclosure.

CONFIDENTIALITY

- (a) The investigator and any other individuals involved in the complaint process will comply with the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Health Information Act (PHIA). The investigator will advise each individual involved with the investigation of their obligations involving confidentiality, as well as the protections available to them as per *HR-05-07 Respectful Work and Learning Environment* policy.
- (b) Confidentiality does not necessarily mean anonymity. Information will need to be disclosed as necessary for the purposes of investigating a complaint, to take corrective action where necessary, or as required by law. Confidentiality is subject to certain limitations which include, but are not limited to:
- supervisors are responsible for addressing every issue of inappropriate behaviour;
 - the Respondent is entitled to be informed of the allegations about their behaviour in sufficient detail to respond;
 - if an investigation is required, it may be necessary to interview witnesses;
 - as per the Workplace Safety and Health Act/Regulation, if requested, UCN must disclose a report providing summary information on the results of a harassment investigation, without disclosing the circumstances relating to the complaint or any information that could identify a worker or other person involved in the matter;
 - if the investigation findings confirm a breach of the Policy, the Conflict Resolution Advisor will advise the relevant manager(s) in order to discuss the recommendations for corrective action;
 - if the complaint findings result in corrective action of any sort, the individual has the right to grieve or appeal through the relevant process, which will entail communicating with the relevant parties.
 - the Conflict Resolution Advisor shall ensure that the CAO and/or VPAR is informed of all complaints brought forward under the Policy. This will not be considered a breach of confidentiality.

EFFECT OF COMPLAINT ON OTHER PROCEEDINGS

Filing a complaint in good faith under *HR-05-07 Respectful Work and Learning Environment* policy in no way prevents a Complainant from exercising any other legal rights available to them under any other UCN policy or law. Complainants have a right to raise concerns and/or file complaints with the Manitoba Human Rights Commission, the Workplace Health and Safety Act and Regulation, the Criminal Code, or through other legal channels.

PREVENTION THROUGH EDUCATION

The prevention of disrespectful, harassing and discriminatory behaviour through education and training is a required and crucial element of this Policy. The Conflict Resolution Advisor or designate (which may include qualified individuals external to UCN), in consultation with other relevant managers (i.e. Vice-President Academic and Research and/or Dean of Students) will ensure that education and training on this Policy will be provided by UCN.

RELATED MATTERS

HR-05-07 Respectful Work and Learning Environment
Respectful Work and Learning Process Summary
Respectful Work and Learning Complaint Form

UCN Code of Ethics
Employee and Family Assistance Program

RELATED POLICIES

AC-01-06 Academic and Disciplinary Appeals
AC-01-27 Student Discipline
AC-01-28 Student Code of Rights and Responsibilities
WS-01-11 Violence in the Workplace
WS-01-14 Prevention of Sexual Violence

REFERENCES

Government of Manitoba. *The Human Rights Code*.
<https://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>

Government of Manitoba. *The Workplace Safety and Health Act and Regulation*.
<https://web2.gov.mb.ca/laws/statutes/ccsm/w210e.php>

Government of Manitoba. *The Labour Relations Act*.
<https://web2.gov.mb.ca/laws/statutes/ccsm/l010e.php>

Government of Manitoba. *The Freedom of Information and Protection of Privacy Act*.
<https://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php>

Government of Manitoba. *The Personal Health Information Act*.
<https://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php>

Government of Manitoba. *The Advanced Education Administration Act*.
<https://web2.gov.mb.ca/laws/statutes/ccsm/a006-3e.php>