



University College of the North

RESPECTFUL WORK AND LEARNING ENVIRONMENT PROCESS SUMMARY

What to do if faced with Disrespectful Behaviour, Harassment or Discrimination

1. What is disrespectful behavior, harassment and discrimination?

Refer to UCN policy HR-05-07 Respectful Work and Learning Environment and/or the Respectful Work and Learning Environment Procedures Manual for further examples.

- a. **Disrespectful Behavior** includes any behavior that is unwelcome and inappropriate in the work and learning environment.
- b. **Harassment (including psychological/personal harassment and bullying)** is any behavior displayed by an individual that is offensive to another individual and/or where such behavior continues after it has been requested that the behavior cease. Harassment is typically ongoing behavior 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.
- c. **Discrimination** is treating someone differently in employment or education (or any other opportunity or service) based on any one of the protected characteristics under the Manitoba Human Rights Code.

2. What is Not Considered Disrespectful Behavior, Harassment or Discrimination?

- a. UCN's right to manage - It is not disrespectful behavior, 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;
- b. UCN acknowledges the legitimate right and responsibility of faculty members to evaluate student work, to manage behavior in the classroom and lab or other teaching/learning site, and to correct inappropriate student behavior;

3. Immediate Resolution

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 more serious cases of disrespectful behavior, harassment and discrimination from arising in the future. All students, employees and other members of the UCN community are encouraged to address such issues immediately.

If you have experienced inappropriate behavior, try to resolve the problem directly with the individual with whom you have a concern. Do not wait until it happens again or think the problem will go away. Approach the person who made you feel uncomfortable, either in person or in writing, explain how their behavior affected you and ask them to stop. Do this professionally, respectfully and confidentially. The individual may not realize the impact of their behavior 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.

If another individual approaches you about your own behaviour, listen carefully and respectfully. Behavior that is, or is perceived to be, disrespectful can often be remedied through honest and direct discussion.

4. Consultation

If you have attempted to resolve the problem without success, or if you are not comfortable speaking directly to the individual with whom you have a concern, you can communicate your concerns (verbally or in writing) and ask for assistance and support. UCN employees can contact their immediate supervisor, Conflict Resolution Advisor, Human Resources or a union representative, Students can contact a faculty member, Dean, Student Counsellor, Academic Advisor, or Campus Elder/Knowledge Keeper.

Consulting these supports does not commit you to filing a formal complaint. You will be assisted in discussing possible solutions and identifying appropriate ways of responding to the concerns both through formal and informal means. There are a number of formal and informal resolution options to address concerns brought forward. The informal approach can be a more efficient and effective method to resolve disrespectful behavior and minor issues of interpersonal conflict. This approach supports collaboration and problem-solving rather than blame and punishment. This approach can empower individuals to focus on working together to find solutions that support a respectful work and learning environment.

5. Options Following Consultation

Following consultation, you may consider, but are not limited to the following options:

- you may pursue an informal resolution process;
- you may decide to file a formal complaint;
- you may decide not to pursue the matter;
- it may be determined that the concern does not fall under the provisions of HR-05-07 Respectful Work and Learning Environment policy or AC-01-28 Student Code of Rights and Responsibilities, and no further action will be taken; or
- UCN 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.

6. Informal Resolution Process

Informal complaint resolution is a voluntary process and both parties must agree to the process. The objective of the informal resolution process is to find a resolution mutually agreeable to the parties. Some options for informal resolution include:

a. Communicating Directly

You are encouraged to discuss your concerns directly with the individual with whom you have a concern (verbally or in writing). You may explain how their behaviour affected you and request that the behaviour stop.

b. Support of Immediate Supervisor or Conflict Resolution Advisor

Your supervisor or the Conflict Resolution Advisor may meet with the individual or arrange a facilitated discussion with all parties involved to advise them of the concerns brought forward and to clarify expectations, making it clear that they are asking for the behavior to stop. Students can contact a faculty member, Dean, Student Counsellor, Academic Advisor, or Campus Elder/Knowledge Keeper for support.

c. Resolving Through Group Meeting

The supervisor or the Conflict Resolution Advisor can discuss expectations of behavior more generally at a staff or student meeting or in a written document outlining expected behavior. This option would support anonymity, as no specific concern will be discussed, rather the conversation would serve as a reminder of expectations under UCN policies *HR-05-07 Respectful Work and Learning Environment* and/or *AC-01-28 Student Code of Rights and Responsibilities*.

d. 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.

Students may choose to seek resolution using a traditional method such as a sharing circle, which would include a UCN Elder.

Informal resolution may not be an option in some cases. If informal resolution is not an option, or does not result in a resolution, a formal resolution process may take place.

7. Formal Complaint Resolution Process

Not every formal complaint warrants an investigation. 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. 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. The complaint form must be signed, dated, and include all details of the allegation.
- b. Once a formal complaint has been received, a determination will be made, based on the content of the complaint, whether the concern falls within the *HR-05-07 Respectful Work and Learning Environment* policy.
- c. If an informal resolution process is identified, the Conflict Resolution Advisor will work with you and your union representative or support person, and others identified in your complaint in an effort to satisfactorily resolve the concern.
- d. If a formal investigation is required, the Conflict Resolution Advisor will inform you and the Respondent and assign an investigator.

8. Time Frame

- a. Filing a formal complaint under *HR-05-07 Respectful Work and Learning Environment* policy, must be made within twelve (12) months of the alleged behaviour.
- b. The informal resolution process shall be concluded within 30 business days from the date of receipt of the complaint.
- c. 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.

9. Confidentiality

- a. The investigator and any other individuals involved in the complaint process will comply with the Freedom of Information and Protection of Personal Privacy Act (FIPPA) and the Personal Health Information Act (PHIA).

- 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.

10. Effect of Complaint on Other Proceedings

Please be advised that filing a complaint in good faith under this policy in no way prevents you from exercising any other legal rights available to you under any other UCN policy or law. You have a right to raise concerns and/or file complaints with the Manitoba Human Rights Commission, the Workplace Health and Safety Act/Regulation, the Criminal Code, or through other legal channels.

For more information, refer to:

HR-05-07 Respectful Work and Learning Environment Policy

Respectful Work and Learning Environment Procedures Manual