

RESPECTFUL WORKPLACE AND LEARNING ENVIRONMENT

Section:	Human Resources (HR)
Subject:	Employment Rights and Obligations
Legislation:	<i>Alberta Human Rights Act (RSA 2000, c A-25.5); Occupational Health and Safety Act (RSA 2000 cO-2)</i>
Effective:	May 31, 2018
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APPROVED: _____
President and CEO

POLICY

The policy of the Board of Governors is to create a respectful, inclusive and diverse workplace and learning environment where all members of the SAIT community are valued and treated with dignity and respect.

PROCEDURE**DEFINITIONS**

- Complainant** A person who initiates a complaint under this policy and procedure.
- Discrimination** Any act or omission that results in unjust or prejudicial treatment on a prohibited ground. Prohibited grounds of discrimination include race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation, and any other ground covered in Alberta’s human rights legislation.
- Employee** A person employed on SAIT’s payroll, whether paid by annual salary or hourly wage.

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Harassment

For the purposes of this procedure, harassment includes bullying. It is any inappropriate conduct, comment, display, action or gesture by a person (harasser) that constitutes a threat to an individual's health or safety and that either:

- a) Is based on a prohibited ground of discrimination under Alberta's human rights legislation, or
- b) Adversely affects an individual's psychological or physical well-being where the harasser knows or ought reasonably to know this would cause offence or the individual to be humiliated or intimidated and where the harasser's behavior is either repeated or is a single, serious occurrence that has a lasting and harmful effect on the individual, but excludes any reasonable conduct by SAIT or a supervisor or instructor in respect of the management, oversight, or direction of a member of the SAIT community with respect to employment, contract, association, or studies at or with SAIT.

Investigator

A person who conducts the investigation into the alleged discrimination or harassment. The investigator may be internal or external to SAIT.

Management

An academic chair/coordinator, manager, associate dean/director, dean/director, associate vice president, vice president or president and CEO.

Respondent

The person alleged to have committed discrimination or harassment.

SAIT community

All persons employed on SAIT's payroll (whether paid by annual salary or hourly wage), members of SAIT's Board of Governors, SAIT Student Association employees, students, contractors, consultants, agents, and volunteers.

Student

A person who is currently enrolled in a SAIT program or course.

Workplace and learning environment

Any physical or electronic environment where SAIT-related activities take place or where SAIT conducts business.

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GOVERNING PRINCIPLES

1. This procedure applies to all members of the SAIT community while engaged in any activity related to their employment, contract, association or studies at/with SAIT. It applies whether they are on or off the SAIT campus (for example, business trips, conferences, social gatherings, online communications, and telephone calls).
2. Members of the SAIT community are responsible for creating a working and learning environment free from discrimination or harassment. This includes refraining from actions and behaviours that might constitute discrimination or harassment, and taking action to achieve the objectives of this policy and procedure.
3. The confidentiality of all persons involved in a complaint and/or investigation under this policy and accompanying procedure will be strictly observed, subject to the requirements of the law and SAIT's investigative processes.
4. This procedure does not apply to situations where the behavior constitutes workplace violence (governed by procedure [HS.1.2.1 Prevention of Violence](#)) or sexual assault/sexual violence (governed by procedures [HS.1.6.1 Sexual Assault, Sexual Violence, and Gender-Based Violence – Principles and Support](#), [HS.1.6.2 Sexual Assault, Sexual Violence, and Gender-Based Violence – Disclosures](#), and [HS.1.6.3 Sexual Assault, Sexual Violence, and Gender-Based Violence – Reporting](#)).
5. Complaints involving student respondents shall follow the non-academic misconduct procedures set out in procedure [AC.3.4.4 Student Non-Academic Conduct](#).
6. This procedure will be regularly reviewed and updated every three years at a minimum, and more frequently as required by SAIT's joint health and safety committee.

PROCEDURE

A. General Requirements for Members of the SAIT Community in Preventing Discrimination and Harassment

1. Members of the SAIT community will establish and maintain appropriate professional boundaries and behaviours within SAIT. Individuals unsure about this requirement should consult their direct supervisor or the Employee Services department.
2. Members of the SAIT community are responsible for:

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- a) Conducting themselves and encouraging others to conduct themselves in a manner that respects the personal dignity of each member of the SAIT community.
 - b) Being aware of and taking responsibility for the influence they may have over the physical, social and psychological well-being of other members of the SAIT community.
 - c) Being open and honest with other participants in the workplace and learning environment, while also recognizing the need for integrity and for sensitivity to others' needs, beliefs and experiences.
 - d) Demonstrating responsible scholarship, in accordance with SAIT's procedures governing scholarly activity and research integrity.
 - e) Demonstrating leadership and providing suitable opportunities for others to develop leadership skills through the working and learning environment.
 - f) Researching and presenting information which is in SAIT's best interests and which is current, valid and aligned with the needs and readiness of the participants in the working and learning environment.
 - g) Devoting sufficient time and attention to their duties and making impartial, informed and balanced decisions.
 - h) Designing and conducting the learning experience in a manner consistent with SAIT's vision and mandate.
3. SAIT will provide education, training and information to members of the SAIT community about the recognition of discrimination and harassment; SAIT's measures to eliminate or control the hazards of discrimination and harassment; responses to discrimination and harassment; and the processes for reporting, investigating and documenting complaints of discrimination or harassment.
 4. Management is responsible for making their employees aware of this policy and procedure and of SAIT's expectations for its employees in creating a working and learning environment free from discrimination or harassment.

B. Reporting Discrimination or Harassment

1. Informal
 - a) A member of the SAIT community who has experienced discrimination or harassment during their employment, contract, association or studies at/with

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SAIT is encouraged to act before the behavior becomes repetitive by informing the respondent that the respondent's behaviour is inappropriate and asking that individual to stop the behavior.

- b) A member of the SAIT community who has experienced discrimination or harassment may obtain advice and support from SAIT's Ombudsperson, Employee Services, the Office of Community Conduct, a manager, or any other person of authority at SAIT.

2. Formal

- a) If a complainant's efforts to informally resolve the discrimination or harassment fail, or if a complainant does not wish to directly raise the matter with the respondent, or if a member of the SAIT community sees another person experiencing discrimination or harassment, the complainant should report this to one of the following:
 - i) A complaint involving a student should be made to the Office of Community Conduct.
 - ii) A complaint involving a SAIT employee should be made to the Employee Services department.

C. Resolution

1. Consultation

- a) The Office of Community Conduct works directly with the complainant, as per procedure [AC.3.4.4 Student Non-Academic Conduct](#), and informs the complainant of their rights and responsibilities, SAIT's student non-academic misconduct processes, SAIT support and resources available to the complainant, etc.
- b) Employee Services will inform the complainant of the following:
 - i) The complainant's right to file a formal written complaint and that the complainant's anonymity cannot be guaranteed through the formal written complaint process.
 - ii) The importance of contacting SAIT Community Peace Officers and Calgary Police Services if the complainant believes the complainant's safety is at risk or feels threatened by the respondent.

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- iii) The right to not take any further action. However, the complainant will be advised that SAIT must investigate if the complaint relates to workplace harassment.
 - iv) The availability of other avenues of recourse (for example, the Alberta Human Rights Commission, Alberta Occupational Health and Safety, etc.).
 - v) The complainant's ability to access the Employee and Family Assistance Program and/or a health professional of their choice.
2. Filing a Complaint
- a) Even if the complainant does not wish to make a formal written complaint, the Office of Community Conduct or Employee Services may determine the risk to the broader SAIT community is too high and launch a formal institutional investigation. On an institutional investigation, the anonymity of the complainant will be protected unless the requirements of procedural fairness dictate that their identity be disclosed.
3. Investigating the Complaint
- a) Upon review of the formal written complaint, an investigation should be launched as soon as possible.
 - i) In the case of an investigation involving a respondent other than a student, Employee Services will determine who shall be the investigator and coordinate the investigation, in consultation with the applicable manager. An investigation may be conducted by an internal employee or may be contracted to an external investigator.
 - ii) In the case of an investigation involving a student respondent, the Office of Community Conduct determines who shall be the investigator. In most cases, this is an Office of Community Conduct employee.
 - b) The investigation should be completed within 45 days from receipt of the formal written complaint. This timeline may be adjusted as required by the investigator.
 - c) The investigator will share the allegations with the respondent, applicable member of management, Employee Services and/or the Office of Community Conduct.

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- d) At a minimum, an investigation should include individual interviews with the complainant, the respondent and any witnesses to the incident (assuming they are cooperative).
- e) Complainants have the right to:
 - i) Be accompanied by a supporter in any investigative interview.
 - ii) Be informed about on and off-campus services and resources.
 - iii) Be treated with dignity and respect.
 - iv) Decide whether or not to access available services.
 - v) Have reasonable actions taken to prevent further unwanted contact with the respondent.
- f) Respondents have the right to:
 - i) Appeal a decision as per the non-academic misconduct provisions of procedure [AC.3.4.4 Student Non-Academic Conduct](#) in the case of a student respondent, or as per the applicable collective agreement (if any) in the case of other respondents. If the respondent is not a member of a collective bargaining unit, the respondent does not have a right to appeal.
 - ii) Be accompanied by a supporter in any investigative interview.
 - iii) Be made aware of the allegations made against them.
 - iv) Be treated with dignity and respect.
 - v) Know who has made the complaint against them (subject to SAIT's discretion in exceptional circumstances not to disclose the identity of the complainant or as required by law).
 - vi) Respond to the allegations made against them.
 - vii) Have reasonable actions taken to prevent further unwanted contact with the complainant.
- g) On completion of the investigation, the investigator will inform the complainant and respondent that the investigation has been completed and will provide the applicable member of management, Employee Services or the Office of
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Community Conduct with the investigation's findings and recommendations. A high-level summary of the investigation and findings, maintaining complete confidentiality of those involved, will also be shared with the Health, Safety and Environment Council so any corrective actions required at the institution level may be considered.

- h) The applicable manager, Employee Services or the Office of Community Conduct, will inform the complainant and respondent whether the allegation is founded or not founded.
- i) This policy and procedure does not prevent the parties from pursuing other avenues of recourse.

4. Resolution and Enforcement

- a) SAIT considers substantiated discrimination or harassment by any member of the SAIT community to be a serious breach of SAIT's FIRST Principles.
- b) If the complainant's report is substantiated, sanctions will be applied to the respondent as per procedure [HR.4.4.1 Corrective Action Procedures](#) and the applicable collective agreement (for a respondent who is an employee), as per procedure [AC.3.4.4 Student Non-Academic Conduct](#) (for a student respondent), or as otherwise determined by Safety and Community Services (for a respondent who is not a student or employee).
- c) If the investigation substantiates the complaint of discrimination or harassment and the respondent is a student, the respondent will be subject to the non-academic misconduct provisions of procedure [AC.3.4.4 Student Non-Academic Conduct](#).
- d) If the investigation substantiates the complaint of discrimination or harassment and the respondent is an employee, the manager will determine the appropriate penalty or resolution in consultation with Employee Services.

5. Protection from Retaliation and Complaints Made in Bad Faith

- a) A member of the SAIT community who brings forward or who is involved in a complaint and/or investigation under this procedure will be protected from any form of retaliation by the respondent. Any such retaliation may result in consequences as set out in procedure [HR.4.4.1 Corrective Action Procedures](#) or in the non-academic misconduct provisions of procedure [AC.3.4.4 Student Non-Academic Conduct](#), as applicable.

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- b) A complaint made in bad faith or to purposely annoy, embarrass or harm the respondent may result in the complainant being subject to consequences as set out in procedure [HR.4.4.1 Corrective Action Procedures](#) or in the non-academic misconduct provisions of procedure [AC.3.4.4 Student Non-Academic Conduct](#), as applicable.

POLICY/PROCEDURE REFERENCE

HR.4.10 Respectful Workplace and Learning Environment policy