



Respectful University

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Contact:	Director, Human Resources (306) 790-5950 ext. 2507

Introduction

At First Nations University of Canada our vision is to treasure our collective values of wisdom, respect, humility, sharing, harmony, beauty, strength and spirituality. The Elders teach us to respect the beliefs and values of all nations. It is with this intent that the purpose of this policy is to value the dignity of all faculty, staff and students and to provide a positive environment for working and learning that is free of discrimination and harassment. The First Nations University of Canada is committed to creating, promoting, and maintaining a positive environment for working and learning that is free from discrimination and harassment that honour the teachings of our Elders and complies with the Saskatchewan Human Rights Code and with the Saskatchewan Occupational Health and Safety Act and Regulations.

This policy applies to all members of the university community including individuals employed directly or indirectly at the university, students, volunteers and visitors. This policy applies to risks, threats and incidents of discrimination or harassment that occur on university premises and other work and study sites under the university's control, or during the course of any university sponsored event. This policy also applies to conduct not a on university premise that has an identifiable and substantial link to the university, or that affects the university working or learning environment. A formal complaint under any other university policy or collective agreement article may trigger this policy.

Situations involving violence or the threat of violence will be handled using the procedures contained in the First Nations University of Canada Violence Prevention Policy.

This Policy covers:

- Harassment
- Personal Harassment or Bullying
- Discrimination
- Systemic discrimination

This policy is the framework for detailed procedures (See Respectful University Procedures) designed to provide University employees or students with multiple options for resolving concerns or complaints of harassment and discrimination, including a complaint and investigation process, as well as an array of alternate resolution options.

This policy applies to members of the University, which in this policy includes:

- employees (faculty, staff and student employees),
- students,
- all people who teach and conduct research at the University, and
- all members of University committees (including the Board of Governors).

Third parties are expected to conduct themselves in a manner consistent with this policy. Compliance with this policy shall be deemed to be an implied term of all contracts and agreements with the University and is a condition of access to the University.

Definitions

Discrimination and Harassment are prohibited under [The Saskatchewan Human Rights Code](#) and [The Occupational Health and Safety Act, 1993](#).

Harassment Based on Prohibited Grounds

Harassment Based on Prohibited Grounds refers to harassment that is prohibited in The Occupational Health and Safety Act, 1993 and The Saskatchewan Human Rights Code.

This type of harassment also extends to sexual harassment. Examples of sexual harassment include, but are not limited to:

- A direct or implied threat of reprisal for refusing to comply with a sexually orientated request
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, attire, sex or sexual orientation
- Displaying pornographic or sexually explicit pictures or materials
- Unwelcome physical contact
- Unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature
- Refusing to work with or have contact with employee/students because of their sex, gender or sexual orientation

Personal Harassment

- Personal harassment is not based on any of the prohibited grounds. It is sometimes referred to as "bullying".
- Personal harassment involves repeated conduct or a single, serious incident that causes a lasting harmful effect on the employee or student. Examples of personal harassment include, but are not limited to:
 - Verbal or written abuse or threats
 - Insulting, derogatory or degrading comments, jokes or gestures
 - Personal ridicule or malicious gossip
 - Unjustifiable interference with another's work or work sabotage
 - Refusing to work or co-operate with others
 - Interference with or vandalizing personal property

What is Not Harassment

This policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation. Workplace inspections, implementation of appropriate dress codes and disciplinary action are not considered to be harassment even if they sometimes involved unpleasant consequences. However, managerial actions must be carried out in a manner that is reasonable and not abusive. Harassment can exist even where there is no intention to harass.

The University is committed to upholding fundamental human rights including freedom of association, freedom of conscience, opinion and belief and freedom of thought, inquiry, and expression. This policy is not to be interpreted, administered or applied in a way that infringes upon these freedoms or conduct between individuals that is based on mutual consent.

Examples of situations that do not constitute harassment include, but are not limited to:

- Legitimate, reasonable managerial actions to direct and control how work is done e.g. allocating work in accordance with systems and policies
- Feedback and performance management
- Undertaking disciplinary action for proven misconduct
- Overseeing injury and illness processes in accordance with Occupational Health and Safety & Employee/students Workers Compensation legislation
- Minor workplace issues such as disagreements and differences of opinion, matters or circumstances unrelated to employment or in the case of students' employment and/or living on campus for example, harassment that occurs during a social gathering of employees/students that is not sponsored by the University is not covered. However, harassment that occurs while attending a conference, training session or athletic event where the individual(s) is representing the University is covered within this policy
- Physical contact necessary for the performance of the work using accepted industry standards
- Conduct which all parties agree is inoffensive or welcome

Academic Freedom

This policy shall not be interpreted, administered, or applied to infringe the academic freedom for academic staff members. When academic staff members engage in teaching, research and dissemination of knowledge, they are, therefore, entitled to the freedom to carry out such activities without arbitrary interference. The frank discussion of ideas, the pursuit and publication of research and the study and teaching of material with controversial content may not constitute harassment.

This policy does not limit or amend the provision of any collective agreement and is not intended to discourage or prevent someone from pursuing a complaint with the Saskatchewan Human Rights Commission, Occupational Health and Safety, or via any other legal avenues available.

Policy

The University is committed to creating and maintaining an environment, in which members of the University community can live, work and learn in a collegial climate of mutual respect, free of harassment and discrimination.

A discriminatory practice may not fall neatly into a single category, and is not required to do so. Under some circumstances, discrimination may give rise to a duty to accommodate.

Harassment and discrimination are, fundamentally, a selective denial of the basic human right to be treated with dignity and respect. The University will not tolerate or condone harassment or discrimination, and will take all reasonably practicable steps to ensure employees or students are not subjected to harassment and discrimination and will take all reasonable steps to prevent this type of behaviour and to stop it if it occurs.

In order to constitute harassment, conduct, comment, display, action or gesture does not need to be directed at a specific individual. For example, display of any inappropriate material such as a poster or screen-saver, or inappropriate comments, i.e. racial, religious, sexist or homophobic slurs overheard by another employee may also constitute harassment.

Third parties invited to the University could engage or participate in the harassment of an employee and/or student. The University may have limited ability to investigate or control their conduct. However, the University shall take reasonably practicable action to stop or reduce the risk to its employee/students of being harassed by third parties.

Allegations of harassment or discrimination arising during co-op placements, internships, or practica shall be dealt with cooperatively between the University and the on-site authorities according to University policy and procedures governing such placements.

Role and Responsibilities

University's Responsibilities

The Occupational Health and Safety Act, 1993 mandates that every employer has a general legal obligation to ensure, as much as reasonably practicable, that workers are not exposed to harassment with respect to any matter or circumstance arising out of employment.

This duty extends to:

- incidents that occur at the University or during work hours
- conduct perpetrated by another employee or student (i.e. co-worker, fellow student or supervisor) or the employer
- incidents that occur outside of the usual University hours that arises out of or is connected to an employee's employment, or off campus student activity such as a work-sponsored or student sponsored social event, conference or sporting event

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- conduct perpetrated by someone other than an employee or student, but with whom the employee or student is required to be in contact with, including clients, the public, or people from contracting businesses

In addition, the University will work to ensure that students not covered by *The Occupational Health and Safety Act, 1993* will not be exposed to harassment.

The University will:

- comply with human rights and occupational health and safety legislation to prevent harassment and discrimination and to provide a safe and healthy work, classroom, learning and research environment for the members of the University community
- promote management support and leadership necessary to provide a safe and healthy work environment free of discrimination and harassment
- promote and support the implementation of Harassment & Discrimination Prevention Program(s), educational/awareness and training opportunities for faculty, staff and students
- review the Policy every three (3) years in consultation with the Occupational Health & Safety Committee

Supervisors will:

- conduct themselves in a manner that promotes compliance with this policy
- provide employees in their areas of responsibilities with adequate direction, training and instruction, and encourage them to conduct themselves in a respectful manner that is consistent with this policy

Employees and Students will:

- conduct themselves in all activities in a manner that promotes compliance with this policy

Contractors, subcontractors, suppliers and other third parties providing a service for First Nations University of Canada will:

- as part of their contracts, will comply with all relevant health and safety legislation and University policies, procedures and programs where directed by the University

The Occupational Health & Safety Committee will:

- model and promote behaviours that are consistent with this policy
- provide advice and guidance on the Respectful University policy and how it pertains to Health, Safety & Environment and the University's strategic plan
- assist in ensuring that this policy is kept current and receive suggestions and recommend actions for policy/program improvements

The Director, Human Resources will:

- provide expertise and advice to all levels of management, faculty, staff and students on matters pertaining to discrimination, harassment and a respectful University
- coordinate and administer all aspects of the Respectful University Policy, including the maintenance of appropriate records
- provide consultation regarding complaints and facilitate appropriate resolutions through assistance, facilitation and complaint resolution

- engage the services of a third party to investigate complaints of discrimination and/or harassment who will prepare written reports and appropriate recommendations to management
- develop and deliver strategies for creating and sustaining a respectful environment in which to live, work and learn, including educational strategies, projects, seminars and other means of promoting and awareness and understanding of discrimination and harassment and a respectful environment

All members of the university community are responsible for ensuring a discrimination and harassment free environment. Further details regarding the responsibilities of the university, employees and students can be found in the Discrimination and Harassment Prevention Procedures at: (insert link)

Consequences for Noncompliance

Violations place the University at significant risk and are subject to appropriate corrective administrative or academic discipline and could result in disciplinary action up to and including termination of the member's position with the University, or in the case of a student, a penalty as determined under the Non-Academic Misconduct Policy. Significant legal penalties may also be assessed under *The Occupational Health and Safety Act, 1993* and by the Saskatchewan Human Rights Commission.

The university may also take action against those who were aware of discrimination or harassment but failed to report it, those who act in a retaliatory manner against a complainant and those who file intentionally false complaints.

Investigations will lead to a decision on whether harassment actually occurred and whether the complaint was made in good or bad faith.

Processes

Procedure for Handling Complaints

Prompt action and early resolution efforts initiated by the impacted employee or student can be very effective to stop inappropriate, disrespectful behaviour, reduce the risk of objectionable behaviour being repeated, or escalated to a more serious level of conflict. Employees and students may choose to handle the matter on their own, or with the support of a friend or colleague. They may choose to seek the assistance of a manager, professor, coach or other person in authority. They can also seek guidance (coaching) from an Elder or the Director, Human Resources.

Procedures related to this Policy provide employees and students with an array of alternative self-managed and assisted resolution options, up to and including the formal complaint/investigation process.

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In the event of a formal investigation, a final report will be prepared by the Director, Human Resources or designate and distributed to the Complainant, Respondent and appropriate Supervisor(s) in authority for each party.

The resolution options described in the procedures are in addition to, and not in substitution for, other internal or external options or other legal rights. This policy is not intended to discourage, prevent or preclude an individual from filing a grievance through the applicable Collective Agreement, initiating legal action (civil or criminal) or exercising any other legal rights, including:

- Filing a complaint with the Saskatchewan Human Rights Commission. See sections 10, 16, 17, 18, 27 and 31 of the *Saskatchewan Human Rights Code* regarding discriminatory practices.
- Referring a complaint to the Occupational Health and Safety Division of Saskatchewan Labour for resolution by an Occupational Health Officer. See sections 3 and 4 of *The Occupational Health and Safety Act, 1993*, and section 36 of *The Occupational Health and Safety Regulations, 1996*.

Confidentiality

The University will not disclose the name of a complainant or an alleged harasser or any other details tending to identify the parties, except where:

- required for the investigation and resolution of a complaint and taking corrective action (preventative, remedial and/or disciplinary); or,
- required by law; or,
- an employee or student is at risk.

Related Information

Identify related documents/information (acts, regulations, policies, strategies, procedures, forms, etc.)

- *Saskatchewan Human Rights Code*
- *The Occupational Health and Safety Act, 1993*, and section 36 of *The Occupational Health and Safety Regulations, 1996*
- Respectful University Procedures
- Violence Prevention Policy and Procedures (To Be Developed)
- Employee Conflict of Interest Policy
- Code of Conduct Policy (To Be Developed)
- Regulations Governing Discipline for Academic and Non-Academic Misconduct
- Collective Bargaining Agreements: CUPE 1975-01 , URFA-Academic, URFA-APT
- FSIN Human Resources Management Regulations