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Responsible Unit	Equity Office
Last Reviewed/Updated	October 2022
Approving Sector Head	Vice-President Finance and Administration & CFO
Policy	<b>Harassment and Discrimination</b>

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### The Acadia University Policy against Harassment and Discrimination (the “Policy”)

#### Terms and Definitions

- 1.1 Appendix A contains a glossary of terms and definitions in this Policy.

#### Policy Statement

- 1.2 Acadia University (“Acadia”) acknowledges that it exists within Mi’kma’ki, the ancestral and unceded territory of the Mi’kmaq Nation. This territory is covered by a series of “Treaties of Peace and Friendship” which Mi’kmaq and Wolastoqiyik signed with the British Crown in 1725 and 1726. The Treaties did not deal with the surrender of lands and resources but in fact recognized Mi’kmaq and Wolastoqiyik title and established the rules for what was to be an ongoing relationship between nations. Acadia is committed to growing and nurturing this relationship and working to fulfil the Truth and Reconciliations Commission’s Calls to Action for post-secondary education.
- 1.3 Acadia acknowledges the problematic structures created through colonialism that render systemic racism, discrimination, gender inequities, power imbalances and oppression. Acadia recognizes that cultural safety and an anti-racist focus is required to deconstruct these structures.
- 1.4 Acadia recognizes that a culturally safe and anti-racist community is not a destination, but a journey, and therefore requires a commitment to life-long learning. It further recognizes that this commitment is required within the University Community.
- 1.5 Acadia is made up of communities of diverse individuals and recognizes that its diversity is its strength. Acadia welcomes the full expression of the cultural identities of the members of the University Community. It recognizes that the services it offers cannot be delivered outside of the context of the cultural identities of the members of the University Community and that the expression of these identities is required in order to effectively pursue and achieve academic excellence. The guidance in this Policy is intended to be inclusive and mindful of this diversity in all institutional policies, programs, classrooms, and interactions; representing the human rights of members of the University Community.
- 1.6 Discrimination and harassment must be eliminated from the University Community. The whole post-secondary environment is committed to ensuring that individuals within the University Community are free from discrimination and harassment. The journey towards a culturally safe and anti-racist community can only be achieved where there

are simultaneous efforts to eliminate all forms of discrimination and harassment from our campus community, including the elimination of all discrimination, harassment and violence based on one's identity, including but not limited to, gender, race, class, ethnicity, sexual orientation, disability, gender expression, and Indigeneity. This Policy will adhere to the Nova Scotia *Human Rights Act* (the "*Human Rights Act*") and the Nova Scotia *Occupational Health and Safety Act* (the "*Occupational Health and Safety Act*") and associated regulations.

- 1.7 Acadia recognizes that a key component in achieving substantive equality and eliminating harassment and discrimination is prevention. That is, not just responding to complaints as they arise, but creating through education an environment that is rooted in human rights and equality. This requires individual and collective responsibility for education and outreach on issues regarding human rights and equality.

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## Policy Content

### Acadia's Commitment

- 2.1 This Policy is underpinned by a commitment to deconstructing the problematic structures of systemic racism and discrimination within the University Community.
- 2.2 Acadia upholds a commitment to fostering a culture within the University Community that is welcoming and reflective of the diverse individuals that comprise this community and to fostering cultural safety, anti-oppression and anti-racism within the University Community, making it our goal to achieve a culture where our diversity is our strength.
- 2.3 The purpose of this Policy is to:
  - a) Promote and support the University Community in a journey towards cultural safety;
  - b) Promote and support the University Community in eliminating all forms of discrimination, violence, and harassment;
  - c) Provide specific guidance for the University Community regarding expectations for conduct;
  - d) Provide mechanisms for the consideration of complaints of Harassment, Discrimination, and/or Reprisal, for Informal Resolution of concerns raised within the University Community, and for the investigation of an alleged breach; and
  - e) Ensure compliance with relevant legislation, including, but not limited to, the *Human Rights Act* and the *Occupational Health and Safety Act* and associated regulations.
- 2.4 Acadia recognizes that supporting an environment free of Discrimination and Harassment is important for the well-being and dignity of individuals as well as for the overall climate and welfare of the University Community and is committed to providing the required policies, resources, and organizational structures.
- 2.5 As part of this commitment, Acadia shall provide a range of educational and community-building activities that foster understanding of human rights issues and of the harm incurred by human right violations and communicate the expectation of and support for a work, study and living environment free from Discrimination and Harassment.
- 2.6 Acadia upholds a commitment to using Restorative Practices where possible and appropriate in the resolution of dispute.
- 2.7 Acadia commits to providing opportunities for our Indigenous partners, the Mi'kmaq of Nova Scotia, to introduce Mi'kmaq cultural practices for dispute resolution through the Office of the Coordinator of Indigenous Affairs. Restorative approaches, such as talking circles, can be available to parties to the dispute resolution process upon approval from the Office of the Coordinator of Indigenous Affairs.
- 2.8 When a formal complaint process is initiated, the University is committed to providing an intake, investigation, and adjudication process that is timely and follows the principles of procedural fairness.
- 2.9 Acadia has a legal and ethical responsibility to address complaints of Discrimination and Harassment, to enable an accessible process for resolution, and to provide support to all University Community members involved in such processes. The appropriate Vice President(s) will respond when Systemic Discrimination and/or Harassment is identified.

### Scope

- 2.10 This Policy prohibits Discrimination and Harassment on the Protected Characteristics enumerated in the *Human Rights Act* and affirms that all members of the University Community have the right to participate in activities at Acadia without fear of Discrimination or Harassment.
- 2.11 This Policy applies to:

- a) All Members of the University Community; and
  - b) All University Matters.
- 2.12 Unless otherwise specified in this Policy, this Policy applies where the University has the jurisdiction to pursue, adjudicate, or take steps to safeguard the University Community.
- 2.13 Under this Policy, Prohibited Conduct includes:
- a) Discrimination;
  - b) Online Harassment and Cyberbullying;
  - c) Harassment;
  - d) Sexual Harassment;
  - e) Systemic Discrimination.
- 2.14 This Policy expressly prohibits any discriminatory or harassing action and/or conduct, verbal or non-verbal, including online conduct, directed at or about one or more individuals or groups that creates a Poisoned Environment.
- 2.15 In relation to Online Harassment and Cyberbullying, conduct carried out on social media or through any online communication may constitute a breach of this Policy where there is a connection between the online communication and members of the University Community and where the conduct has the effect of causing harm to a person, results in the unequal treatment of a person, or constitutes harassment of a person on the basis of Protected Characteristics. Members of the University Community using social media should not expect privacy in electronic communications while using Acadia's communication systems or in their personal electronic communications with other members of the University Community, even if the communication is produced while the member of the University Community is off campus, as public domains and electronic records of these interactions exist and can be used in the course of an investigation.
- 2.16 When allegations of sexual violence, sexual harassment, or sexual assault are raised, the Equity Officer will consult the Sexualized Violence Policy as a relevant reference document. When the Sexualized Violence Response and Education Coordinator is available, the Equity Officer will work collaboratively with this individual to determine which office will administer the processes to address any concern or complaint. A Complaint involving allegations of sexual violence, sexual harassment, or sexual assault are raised, the Complaint must proceed under either the Sexualized Violence Policy or this Policy. The Complaint cannot proceed under both and parties are not permitted, after exhausting this Policy, to proceed to the Sexualized Violence Policy. Moreover, any complaint involving allegations of sexual harassment and non-sexual harassment must proceed under this policy.

#### **Awareness Building and Responsibilities**

- 2.17 All members of the University Community have a responsibility to educate themselves as to expectations for their conduct within the University Community and the reporting requirements as outlined in this Policy.
- 2.18 All members of the University Community who are in an instructional, supervisory or managerial position, have a duty to educate those who report to them about the application of this Policy and a duty to deal appropriately with allegations regarding violations of this Policy.
- 2.19 The Equity Office will provide information to and respond to inquiries from the University Community regarding the rights and obligations of its members under this Policy.

#### **Balancing of Rights**

- 3.1 This Policy is to be interpreted, administered and applied in accordance with its Policy Statement, commitments, the requirements of procedural fairness, and confidentiality.

- 3.2 This Policy is not to be interpreted, administered, or applied in such a way as to detract from the right and obligation of those in supervisory roles to manage and correct employees and students in accordance with collective agreements or applicable University policies and procedures. This Policy is not intended to affect any right or obligation contained within any existing code of conduct, collective agreement, other approved employee agreement, or statute. Where there is a discrepancy between this Policy and provisions of a Collective Agreement, the Collective Agreement shall prevail.
- 3.3 This Policy constitutes a significant revision to Acadia's previous Policy against Harassment and Discrimination, which came into effect in January 2007 (the "Previous Policy"). It may be the case that a Complainant or Respondent, who began the process under the Previous Policy and whose case is not yet completed, may prefer to proceed under this Policy. Both the Complainant and Respondent are permitted to request that the process proceed under this Policy. This request can be made to the Equity Office. If both the Complainant and Respondent agree to this request, the transition to this Policy will be made. In the event that there is not agreement between the Complainant and Respondent on this matter, the Previous Policy will continue to apply.
- 3.4 This Policy must be interpreted in the context of the right of faculty members and visitors to academic freedom.

#### **Confidentiality and Additional Protections**

- 4.1 Confidentiality is a key component for managing complaints under this Policy. Parties to this process can expect the processes to be confidential. A breach of confidentiality may be deemed a violation of this Policy. Information collected during the resolution of a complaint will only be shared to the extent that is reasonably necessary for the successful resolution of the complaint. For a more detailed review of Confidentiality in the complaints process, see section 12.1.
- 4.2 Notwithstanding the existence of this Policy, every person continues to have the right to seek assistance from internal bodies such as unions or workplace organizations, Student Affairs, the Students' Union, Human Resources, as well as external agencies such as the Nova Scotia Human Rights Commission, their own legal counsel, or the police, even when actions are being taken under this Policy. However, these internal and external resources shall not interfere with the processes under this Policy.

#### **Accountability**

- 5.1 The Harassment and Discrimination Policy Committee is responsible for advising the President that a formal review of this Policy is required.
- 5.2 The Vice-Presidents are responsible for the implementation, administration, and initiation of review of this Policy through the Committee.
- 5.3 All members of the University Community are responsible for complying with this Policy.

#### **Review**

- 6.1 This Policy will be reviewed annually for compliance with the *Human Rights Act* and the *Occupational Health and Safety Act*. The Policy will be formally reviewed in its entirety every three years at the same time as the Sexualized Violence Policy.
- 6.2 In the interim, this Policy may be revised or repealed if:
  - a) the Harassment and Discrimination Policy Committee deems it necessary or desirable to do so;
  - b) this Policy no longer complies with the *Human Rights Act*, the *Occupational Health and Safety Act*, and the associated regulations.

## Roles and Responsibilities

### President, Provost, and Vice-Presidents

- 7.1 The President, Provost, and Vice-Presidents have the overarching responsibility for maintaining a University environment free from all forms of Discrimination and Harassment, to ensure everyone who comes to campus is informed of this Policy, and for providing the resources required to support such an environment, and for ensuring the timely development and review of relevant policies through Senate and Board of Governors procedures.
- 7.2 The President, Provost, and Vice-Presidents are responsible for enabling Community Members to function with the highest standards of integrity, accountability, and responsibility. Activities may include disseminating information about the University's expectations and providing education to all Community Members on issues related to Discrimination and Harassment.
- 7.3 The President, Provost, and Vice-Presidents are responsible for demonstrating a personal commitment to embarking on the journey towards cultural safety by committing to consistent professional development aimed at achieving such outcomes.

### Harassment & Discrimination Policy Committee

- 7.4 The Harassment & Discrimination Policy Committee shall be comprised of the following members, alphabetically by group or title:
  - a) one representative of the Acadia University Administration, who shall serve as Chair of the Committee (3-year term), appointed by the President;
  - b) one representative of ASU with an interest in issues of equity and diversity (1-year term), appointed by the ASU Executive;
  - c) one representative of AUFA (3-year term), appointed by AUFA;
  - d) one representative of AUPAT (3-year term), appointed by the AUPAT;
  - e) the Black Cultural and Employment Student Navigator;
  - f) the Coordinator of Indigenous Affairs;
  - g) one Disability Community Representative, appointed by the President;
  - h) the Equity Officer; and
  - i) one representative of SEIU (3-year term), appointed by SEIU.

Every attempt will be made to stagger the terms of appointment.

To the greatest extent possible, membership of the Harassment & Discrimination Policy Committee shall be comprised of culturally and/or socially diverse members of the University Community.

- 7.5 The mandate of the Harassment & Discrimination Policy Committee shall be to:
  - a) operate to receive and process feedback from the Equity Officer on the operation of this Policy, including receipt of the annual report to be delivered to the Vice President(s) and the President for final approval;
  - b) coordinate with the Equity Officer in planning responsive education and training initiatives based on the contents of this report;
  - c) meet quarterly with the Equity Officer, or as needed, in order to consult on education initiatives, recommendations concerning this Policy, and implementation or procedural matters arising in the implementation of this Policy;
  - d) assume responsibility for review and revision of this Policy as set out at section 6.1-6.2;
  - e) advise the President when a formal review of this Policy is required; formal reviews are scheduled every three (3) years;
  - f) receive appeals of decisions taken under this Policy and convene the Appeals Committee in accordance with the specifications of section 11.



## Equity Office and Equity, Diversity, and Inclusion Officer

- 7.6 Facilitating the journey toward cultural safety and the elimination of harassment and discrimination through education is a fundamental aspect of the University's commitment. The Equity Office, with the support of the President, Provost, Vice Presidents, and Harassment and Discrimination Policy Committee, is responsible for coordinating the University's proactive educational and training initiatives and programs, which include:
- Educational initiatives for the campus community on issues related to discrimination and/or harassment; and
  - Training initiatives for frontline campus community and student-facing service providers, and for those with particular responsibilities related to this Policy.
- 7.7 The Equity Officer acts as a resource to staff, faculty and students. As directed by the Vice-President Finance and Administration and CFO, the Equity Officer will work with relevant Community Members, including but not limited to, Human Resources, Student Affairs, the Office of the Coordinator of Indigenous Affairs, the Black Student Employment and Cultural Navigator, the International Student Advisor, Acadia Students' Union ("ASU"), Service International Employee's Union, Local 2 ("SEIU"), the Acadia University Professional, Administrative and Technical Services Employees ("AUPAT"), and the Acadia University Faculty Association ("AUFA"), to educate the University Community on all aspects of Harassment and Discrimination. The Equity Officer may also act as a resource to other committees, departments, unions or groups within the University Community as needed.
- 7.8 The Equity Officer will produce and provide an annual report to the Harassment and Discrimination Policy Committee by 31 July each year, which upon approval by the Committee will be provided to the Provost and Vice-President Academic, Vice-President Finance and Administration and CFO, and the President by 31 August each year. The annual report will also be made available to the University Community upon approval. The annual report will outline:
- De-identified data regarding the number and types of complaints received;
  - De-identified data regarding the number and types of investigations conducted;
  - Information regarding observable trends;
  - De-identified information regarding particularly important cases;
  - Information on educational activities;
  - Recommendations related to training, education, and proposed changes to this Policy for revisions to this Policy;
  - Other relevant information which may further the implementation of this Policy.
- 7.9 The Equity Officer will co-ordinate support services, internally and externally, for those who have experienced as well as those who have participated in Harassment and/or Discrimination.
- 7.10 The Equity Officer will maintain confidential records in accordance with section 12.1, and applicable privacy legislation.
- 7.11 The Equity Officer is responsible for facilitating informal resolution processes, including but not limited to Restorative Processes and Mediation, whenever possible.
- 7.12 The Equity Officer is responsible for managing formal disputes through the complaint and investigation procedures described beginning in section 8.10. The Equity Officer will not act as the investigator in the following circumstances:
- Where the Equity Officer is in a Conflict of Interest; and/or
  - Where the Equity Officer determines that it is appropriate to use a third-party investigator.
- 7.13 The Equity Officer will maintain a list of qualified, available and willing mediators from within and outside of the Acadia community.

- 7.14 The Equity Officer will maintain a list of qualified and available external and internal investigators to conduct investigations when a formal complaint is made where the Equity Officer is in a conflict of interest to conduct the investigation, or where the Equity Officer determines that it is appropriate to use an external third-party investigator.

#### **Dispute Resolution Officers**

- 7.15 All Dispute Resolution Officers, including investigators, mediators, and/or facilitators, whether internal or external to the University, will have the training and expertise in the area of discrimination and harassment, and in using an intersectional, anti-oppressive, and a trauma-informed approach to the investigation processes. Investigators, mediators, and/or facilitators will follow the mandate and scope of the investigation as determined by this Policy.

#### **Decision-makers**

- 7.16 The Decision-Makers are, as applicable, the:

- a) President
- b) Vice-President Finance and Administration and CFO;
- c) Provost and Vice-President Academic; and
- d) Vice-President Advancement.

- 7.17 More than one Decision-Maker may be involved in cases where a Respondent has more than one type of relationship with the University (such as a student who also holds a staff appointment).

- 7.18 When the Respondent is a Community Member but is not currently a student, staff, or faculty member, the investigation report will be reviewed by the Decision-Maker related to the Respondent's area of activity at the University.

- 7.19 When the line of authority is unclear, the Provost and Vice-President Academic, or the Vice-President Finance and Administration and CFO, or the Vice-President Advancement, as appropriate, will determine the appropriate individual in the line of authority.

- 7.20 Should there be a Conflict of Interest with a Decision-Maker, another Vice-President shall assume the responsibilities of the Decision-Maker under this Procedure. Similarly, if that Vice-President has a Conflict of Interest, then another Vice-President shall act. Should a Vice-President be the Respondent or Claimant, the President will act as the Decision-Maker.

#### **Supervisors**

- 7.21 Within the University Community it is recognized that there are various types of supervisors: Academic Supervisors, Academic Administrators, and Workplace Supervisors. All such supervisors are responsible for:

- a) Modeling acceptable standards of behaviour;
- b) Supporting any employee or student who, in good faith, reports a potential violation of this Policy;
- c) Contacting the Equity Office for guidance and advice to address the matter as appropriate in the circumstances, and cooperating with the Equity Office during Investigations, and/or in the implementation of Interim Measures, and remedies or sanctions;
- d) Completing all required training and ensuring that the people they are supervising are trained appropriately on this Policy;
- e) Maintaining confidentiality.

#### **Employees**

- 7.22 All employees of the University are required to comply with this Policy and are required to report any behaviour that is witnessed by or reported to them that is not in compliance with this Policy to the Equity Office.

- 7.23 All employees are required to complete initial and periodic refresher training on this Policy. All employees must complete initial training on this Policy within one year of approval of this Policy. Employees are required to complete refresher training once every three years. All new employees must complete training on this Policy within four months of the beginning of their term of employment. Records on training on this Policy shall be maintained by Human Resources. Human Resources will notify the Supervisor of all employees whose training is not completed or whose training will expire within the next calendar year by 01 January of each year.
- 7.24 Training on this Policy shall be delivered to all employees by the Equity Officer.

#### **Students**

- 7.25 Students are required to comply with this Policy and are expected to report any behaviour that is witnessed by or reported to them that is not in compliance with this Policy to the Equity Office.
- 7.26 Training on this Policy shall be delivered to all students by the Equity Officer. All students are to complete initial and periodic refresher training on this Policy. Training will be delivered throughout the year, in September and in January.
- 7.27 The Equity Officer will work with the Executive Director of Student Services and the Executive of the ASU during the summer to determine the modes of delivery for student training and Policy awareness and compliance for the upcoming academic year.

#### **Alumni and Community Members**

- 7.28 All Alumni and Community Members are required to comply with this Policy and are responsible for contributing to and maintaining an environment that is free of discrimination and harassment. Any Community Member who witnesses behaviour in person or electronically that is not in compliance with this Policy is encouraged to report it to the Equity Office.

#### **Complainant**

- 7.29 Once a complaint is made, the Complainant agrees to cooperate in any investigation being conducted and to comply with the Confidentiality provisions in section 12.1.

#### **Respondent**

- 7.30 The Respondent to any complaint shall cooperate in the investigation process and comply with the Confidentiality provisions in section 12.1.

#### **Witnesses**

- 7.31 Witnesses shall cooperate in any investigation being conducted and comply with the Confidentiality provisions in section 12.1.

### **Complaint Procedure**

#### **When Behaviour is Encountered that is Believed to Violate this Policy**

- 8.1 Prior to filing a complaint with the Equity Office, the following steps are recommended but not required:
- a) Where safe and possible, take steps to address/end the behaviour either by immediately telling the person that the behaviour is unwelcome and asking them to stop;
  - b) Immediately advise your supervisor, or in the case of students, a professor or another authority;
  - c) If the conduct persists, prepare written documentation of the dates and details of the concerns and any steps taken to communicate or address the concerns.

Sometimes it is not possible to take the above-noted steps. These steps are recommendations for addressing the offending behavior but are not required. It is always an option to go directly to the Equity Office with your complaint. At any time, a Complainant may withdraw from these procedures, as per section 13.11.

### Informal Resolution

- 8.2 It is anticipated that some complaints of harassment and discrimination can be resolved informally through the use of conflict resolution strategies and supportive interventions. Where appropriate, informal resolution may be used as an option to assist individuals in reaching voluntary settlement of disputes through mutually agreeable solutions. Where the Equity Officer determines that Informal Resolution is not appropriate in the circumstances, due to but not limited to the severity of the allegations, the power relationships between the individuals, or the harm to the University and the University Community, informal resolution will not be available, unless the Complainant and Respondent explicitly agree to informal resolution.
- 8.3 Options for Informal Resolution include but are not limited to (each of the terms listed here link to a detailed definition in the Glossary at Appendix A):
- a) Referral to Office of the Coordinator of Indigenous Affairs\*;
  - b) Mediation;
  - c) Conciliation (or shuttle mediation);
  - d) Restorative Practices;
  - e) Facilitated Discussion;
  - f) Facilitation;
- 8.4 An Informal Resolution may also involve a combination of the methods described above in section 8.3.
- 8.5 Where individuals opt to proceed with an Informal Resolution, they shall permit the Dispute Resolution Officer to take steps to attempt to resolve the complaint in this capacity.
- 8.6 Normally, informal resolution efforts will not exceed sixty (60) days, unless there is a compelling reason to extend the period of resolution. In the case of multi-party and/or complex and/or long-standing historical conflicts, the timeframe for resolution may exceed sixty (60) days as appropriate. The Equity Officer retains discretion to determine where it is appropriate to extend the period for resolution.
- 8.7 Informal Resolution procedures are without prejudice to either party. No record of the complaint or informal resolution will be entered into the official personnel file of any Community Member (in the Provost and Vice President Academic's Office or Human Resources Office in the case of an employee, in the Registrar's Office or Student Services in the case of a student, or in the Office of Advancement in the case of an alum). The Equity Office will retain a record of the complaint and resolution within its confidential records. Informal Resolution procedures do not include making a formal determination as to whether or not harassment and/or discrimination have occurred.

If the conflict resolution process is unsuccessful and a formal procedure is initiated, the Dispute Resolution Officer who facilitated the conflict resolution process will not reveal the details of the interventions(s) without the permission of the participants who were involved. An informal agreement is voluntary, and the Dispute Resolution Officer has no authority to impose conditions or sanctions on either party.

The Complainant may withdraw at any time, as per section 13.11, or the Dispute Resolution Officer may withdraw from the informal resolution process if it is determined that no useful purpose will be achieved by continuing to attempt an informal resolution.

A successful outcome in the conflict resolution process may result in the parties signing an Agreement of Resolution, which sets out a course of action agreed upon by the parties intended to eliminate harassment/discrimination and restore harmony, collegiality, and cooperation. This Agreement of Resolution will be retained in the confidential records of the Equity Office. A copy of this Agreement will not be placed in the official personnel file of any

Community Member; however, each party directly involved may retain a copy for their personal records upon request.

- 8.8 If an Agreement of Resolution is violated every effort will first be made to repair using restorative practices, however, violation of the Agreement of Resolution may lead to reopening the file. The party alleging the Breach may choose to proceed to the formal complaint process.
- 8.9 If the informal process does not achieve an acceptable outcome, the Complainant may decide to use the formal process. The Complainant may also choose not to proceed to the formal complaint process even if the informal resolution has proven to be unsuccessful.

#### **How to Make a Complaint of Harassment, Discrimination, Violence or Threat of Violence**

8.10 A formal written complaint may be made with the Equity Officer, unless the Equity Officer has a Conflict of Interest.

8.11 The Complaint shall be signed by the Complainant and include the following:

- a) The name of the person alleged to have engaged in behaviour that violates the Policy;
- b) The date, time and location of the incident(s);
- c) A detailed description of the incident(s) and/or circumstances of the incident(s);
- d) Copies of any relevant documents, including, but not limited to drawings or photos (electronic or hard copy);
- e) Names of potential witnesses;
- f) Signature of the Complainant and the Equity Officer, indicating the date the Complaint was signed; and
- g) Any other relevant information.

8.12 The option to take a complaint of harassment and/or discrimination directly to the Equity Officer, is an option available to all members of the University Community.

8.13 The Complainant and Respondent shall be advised of their right to each have present a support person of their choice through each stage of the process.

#### **Conflict of Interest**

8.14 In carrying out their duties, the Equity Officer will disclose any actual or apparent bias or conflict of interest of which they are aware. The Equity Officer will not act with respect to any inquiry or complaint in which they have an actual or perceived conflict of interest. Where the Equity Officer is aware that they are in a Conflict of Interest with a Complainant or Respondent, they must declare this Conflict of Interest immediately and take steps to remove themselves from the process and to have a neutral Dispute Resolution Officer appointed to receive the complaint.

8.15 If a Complainant or Respondent raises that there is a conflict of interest, the Complainant or Respondent shall notify the appropriate Vice President(s).

8.16 Where a Complainant or Respondent believe the Equity Officer has a Conflict of Interest to receive the complaint, this must be raised with the Equity Officer. Where the Equity Officer agrees that there is a Conflict of Interest, they must proceed to appoint a neutral Dispute Resolution Officer. Where the Equity Officer disagrees that there is a Conflict of Interest, the Equity Officer will bring the concern to the appropriate Vice President(s) for a determination on whether the complaint will be received by the Equity Office or another neutral Dispute Resolution Officer will be appointed.

8.17 Dispute Resolution Officers may include the Coordinator of Indigenous Affairs, the Executive Director of Student Services, or an external mediator or investigator. If the Vice-President determines there is a Conflict of Interest, the Vice President shall appoint the replacement Dispute Resolution Officer.

8.18 A Dispute Resolution Officer must be assigned to receive the complaint within ten (10) days of the Equity Officer becoming aware of their Conflict of Interest.

8.19 Any neutral party receiving the complaint agrees to comply with this Policy for addressing the complaint.

#### **Preliminary Assessment of Formal Complaints**

- 8.20 The Dispute Resolution Officer will conduct a Preliminary Assessment for each Formal Complaint to determine whether or not an Investigation should proceed in accordance with this Policy. Except in extenuating circumstances, the Dispute Resolution Officer will complete a Preliminary Assessment of a Formal Complaint within ten (10) days of receiving the Formal Complaint. Where a Preliminary Assessment cannot be completed within ten (10) days, reasons will be provided to the Complainant with notice of when the Preliminary Assessment will be completed. The Preliminary Assessment documentation shall remain within the Equity Office files.
- 8.21 A Formal Complaint will not proceed to Investigation, and no further action is required by the Dispute Resolution Officer or the University, if the Formal Complaint does not meet the requirements of section 8.10 of this Procedure, including but not limited to where the Formal Complaint is not in writing, is anonymous, or does not contain all the required information.
- 8.22 Notwithstanding section 8.10, the Dispute Resolution Officer may exercise their discretion to accept a non-compliant Formal Complaint or to bring a non-compliant Formal Complaint to the attention of the appropriate Vice President(s) for consideration of a University Initiated Investigation. However, anonymous complaints will not be accepted.
- 8.23 In making their Preliminary Assessment, the Dispute Resolution Officer will consider whether:
- a) The Formal Complaint deals with a Breach to which this Policy applies;
  - b) The Formal Complaint appears credible, to have been made in good faith, and not to be frivolous or vexatious;
  - c) The issues disclosed by the Formal Complaint have not been or are not in the process of being addressed in another forum or pursuant to a collective agreement or University policy, procedure or bylaw, which would deal comprehensively with the alleged Breach;
  - d) The issues disclosed by the Formal Complaint would more appropriately be dealt with in another forum or through another process;
  - e) The matters included in the Formal Complaint are of sufficient seriousness to warrant an Investigation;
  - f) An Investigation would serve the University in furthering the objectives under this Policy; and
  - g) The Parties have attempted to address the matters included in the Formal Complaint through Informal Resolution, pursuant to this Policy.
- 8.24 The Dispute Resolution Officer will advise the Complainant in writing of their decision on the Preliminary Assessment (the letter of decision). Where the Formal Complaint is not accepted to proceed to an Investigation, the Dispute Resolution Officer will include brief reasons for their decision.
- 8.25 In the event that the decision of the Dispute Resolution Officer in section 8.24 is that the Formal Complaint is not accepted to proceed to an Investigation, the Complainant will have ten (10) days to initiate an appeal of the preliminary assessment, following the procedure outlined in section 8.27.
- 8.26 A Formal Complaint that is not accepted to proceed to an Investigation after the Preliminary Assessment and appeal of the Preliminary Assessment, if any, will require no further action by the Dispute Resolution Officer or by the University.

#### **Appeal of Preliminary Assessment**

- 8.27 If a Formal Complaint is dismissed by the Dispute Resolution Officer on Preliminary Assessment, the Complainant may appeal the Dispute Resolution Officer's decision by giving notice and submissions in writing to the appropriate Decision-Maker within ten (10) days from the date of the Dispute Resolution Officer's decision. The submissions must include:

- a) A letter to the appropriate Decision-Maker clearly explaining the grounds for the appeal, with specific reference to section 8.25;
- b) A copy of the letter of decision from the Dispute Resolution Officer; and
- c) A copy of all of the documentation submitted to the Dispute Resolution Officer with the Formal Complaint (no new documentation can be submitted at this time).

8.28 The grounds for an appeal of a Preliminary Assessment include:

- a) Failure of the Dispute Resolution Officer to follow this Policy;
- b) Failure of the Dispute Resolution Officer to observe Rules of Procedural Fairness; or
- c) Failure of the Dispute Resolution Officer to comply with applicable legislation.

8.29 Where possible, the Decision Maker will make an appeal decision based on the written submissions within fifteen (15) days. The Decision-Maker(s) may:

- a) Cause the Dispute Resolution Officer to reverse their decision and commence an investigation;
- b) Cause the Equity Officer to appoint a neutral Dispute Resolution Officer to commence an investigation; or
- c) Confirm the decision to dismiss the Formal Complaint.

8.30 The Decision-Maker will provide brief written reasons for their decision to the Dispute Resolution Officer and the Complainant. The decision of the Decision-Maker will be final.

## Investigation Process

### Conducting an Investigation

9.1 An investigation should be commenced no later than fifteen (15) days following the final outcome of the preliminary assessment. This timeframe is set as an outer limit and, where possible, claims should be managed as quickly as possible; nevertheless, the Equity Officer shall have the discretion to extend the timelines where required. Where the investigation cannot be commenced within fifteen (15) days, reasons will be provided to the parties with notice of when the investigation will be commenced. Where there is a Conflict of Interest, the process set out at sections 8.14 through 8.19 shall be followed.

9.2 The Steps in the Investigation Process will be as follows:

- a) The Dispute Resolution Officer will immediately notify the Complainant(s) and Respondent(s) in writing that an investigation into the complaint has been initiated. As per section 8.13, the Complainant and Respondent shall be advised of their right to have present a support person or union/working group representative of their choice through each stage of the process.
- b) In notifying the Respondent, the Dispute Resolution Officer shall:
  - a. include a copy of the written Complaint;
  - b. include a copy of this Policy;
  - c. provide details of the procedures to be followed;
  - d. provide details of any interim measures imposed;
  - e. provide details of available advocacy and support services, including an appropriate advisor on campus;
  - f. inform the Respondent of their right to have present a support person of their choice throughout the process;
  - g. remind the Respondent that this Policy prohibits retaliation and reprisal; and
  - h. inform the Respondent that this Policy prohibits breaching confidentiality of the content of the Complaint or the identity of any persons involved in the Investigation Process.

- c) Within ten (10) days from receiving notice of the complaint, the Respondent(s) has the choice to provide the Dispute Resolution Officer with a written, signed and dated, response to the complaint. The Dispute Resolution Officer shall immediately transmit a copy of any response received to the Complainant.
- d) Within twenty (20) days of delivering notice of the complaint to the Respondent(s), the Dispute Resolution Officer shall meet separately with the Respondent(s) and Complainant(s) to review documents related to the allegations(s). The parties may be accompanied by a support person in the meeting.
- e) The Complainant(s) and Respondent(s) shall have a further opportunity to provide a written response, signed and dated, to the information received during the meeting referred to in section 9.2(d), within five (5) days of that meeting. Any response received shall be shared with the other party.
- f) Where the Respondent is an employee of the University, the Dispute Resolution Officer shall notify the appropriate supervisor or Head/Director that a formal complaint has been filed against the Respondent, who is being investigated. No details of the nature of the formal complaint shall be communicated during this notification, other than that it relates to this Policy.
- g) Where the Respondent is a student enrolled at the university, the Dispute Resolution Officer shall notify the Executive Director of Student Services that a formal complaint has been filed against the Respondent, who is being investigated. No details of the nature of the formal complaint shall be communicated during this notification, other than that it relates to this Policy.
- h) Where the Respondent is an alum of the university, the Dispute Resolution Officer shall notify the Executive Director of Alumni Affairs that a formal complaint has been filed against the Respondent, who is being investigated. No details of the nature of the formal complaint shall be communicated during this notification, other than that it relates to this Policy.
- i) Where the Respondent is a general member of the community not directly affiliated as an employee, a student, or an alum, the Dispute Resolution Officer shall notify the Vice-President Finance and Administration and CFO that a formal complaint has been filed against the Respondent, who is being investigated. No details of the nature of the formal complaint shall be communicated during this notification, other than that it relates to this Policy.
- j) The Dispute Resolution Officer may interview any witnesses that they have identified as likely to have relevant knowledge. The witnesses are protected under the policy for reprisal and retaliation.

9.3 The Respondent(s) or the Complainant(s) may at any stage during the Investigation make or accept an offer to resolve the complaint in a manner acceptable to them. Such resolution shall be reduced to a memorandum of agreement that the resolving parties must sign, and the Dispute Resolution Officer shall witness. Should such an agreement be reached, the investigation will cease, and the Dispute Resolution Officer shall notify the individual(s) who had previously been notified as per sections 9.2(f)-(i) that the Complaint was resolved amicably. All information gathered will be destroyed after 2 years.

9.4 The Investigation Report shall contain the following:

- a) Summary of the background of the complaint, including a description of the allegations and response;
- b) Summary of the process followed;
- c) Summary of the evidence gathered;
- d) Copy of any pertinent documentation;
- e) Discussion of the allegations relating to the evidence gathered, including any opinion as to whether or not the allegations have been proven on a balance of probabilities;
- f) Description of any mitigating or aggravating circumstances affecting either party; and
- g) Recommendations for resolution processes, remedial action, or sanctions.



- 9.5 Within thirty (30) working days of the meeting referred to in section 9.2(d), the Dispute Resolution Officer shall submit a final report of the investigation ("Investigation Report") to the Complainant(s) and Respondent(s).
- 9.6 The Respondent and Complainant shall have ten (10) days of receipt of the Investigation Report to provide a written response to the Dispute Resolution Officer if they so choose.
- 9.7 Within five(5) days after the end of the response period, in the event that the Investigation has lead to an outcome that the allegations were not founded, the Dispute Resolution Officer shall notify the individual(s) who had previously been notified as per sections 9.2(f)-(i) that the Investigation has concluded with no finding of wrongdoing. No further action related to the Complaint shall be taken. The Investigation Report shall remain securely stored within the Equity Office and shall not be distributed to other parties.

#### **University Initiated Investigation**

- 9.8 A University Initiated Investigation is an Investigation initiated at the discretion of the appropriate Vice President(s), where:
  - a) A non-compliant Formal Complaint was received, but disclosed a credible issue of sufficient importance to warrant an Investigation;
  - b) A non-compliant Formal Complaint was received disclosing an issue of systemic discrimination;
  - c) Through the process of investigating an individual complaint an issue of systemic discrimination is discovered;
  - d) Matters come to the attention of the appropriate Vice President(s) that lead them to believe there has been a Breach of sufficient importance to warrant an Investigation; or
  - e) It would be more practical to conduct a single broad Investigation, than addressing a series of Formal Complaints from two or more individuals.
  - f) The circumstances giving rise to the Investigation are not received anonymously.
- 9.9 The appropriate Vice President(s) shall be deemed to be the Complainant for the purpose of the University Initiated Investigation. The University Initiated Investigation shall proceed in the same manner as an Investigation under this Policy, with methods of investigation adapted as necessary to meet the circumstances. University initiated complaints will be investigated by an external investigator. Based on the results of the University Initiated Investigation, appropriate Sanctions or Remedies may be implemented.
- 9.10 In certain cases, the appropriate Vice President(s) may determine that an audit of a department by a neutral third-party is preferred over an investigation process in addressing issues of systemic discrimination.

#### **Sanctions and Remedies**

- 10.1 Within ten (10) days of the end of the response period, in the event the Investigation Report contains a recommendation for Sanctions or Remedies for one or more Respondent(s), the Dispute Resolution Officer shall provide the individual who had been notified of the Formal Investigation as per sections 9.2(f)-(i) with a copy of the Investigation Report. Where the employment of the Respondent is governed by the Collective Agreement between the Acadia Board of Governors and the AUFA, the Investigation Report shall also be provided to the Dean of the Faculty to which the Respondent and the Head/Director belong. Where the employment of the Respondent is governed by the Collective Agreement between the Acadia Board of Governors and SEIU, the Investigation Report shall also be provided to the appropriate Vice President. Where the employment of the Respondent is governed by the AUPAT Terms of Employment, the Investigation Report shall also be provided to the appropriate Vice President.
- 10.2 (a) Where the employment of the Respondent is governed by the Collective Agreement between the Acadia Board of Governors and the AUFA, the final disposition of the Complaint shall be determined in accordance with the applicable provisions in the Collective Agreement.

(b) Where the employment of the Respondent is governed by the Collective Agreement between the Board of Governors of Acadia University and SEIU, the final disposition of the Complaint shall be determined in accordance with the applicable provisions in the Collective Agreement.

(c) Where the employment of the Respondent is governed by the Terms of Employment for AUPAT Employees, the final disposition of the Complaint shall be determined by the Head/Supervisor or designate in consultation with Human Resources, pursuant to the AUPAT Terms of Employment.

(d) Where the employment of the Respondent is not governed by the Collective Agreements or Terms of Employment cited in items (a) through (c), the final disposition of the Complaint shall be determined by the relevant Vice-President, in consultation with the other Decision-Makers.

(e) Where the Respondent is a student enrolled at the university, the final disposition of the Complaint shall be determined by the Executive Director of Student Services, in consultation with the Decision-Makers.

(f) Where the Respondent is an alum of the university, the final disposition of the Complaint shall be determined by the Vice-President Advancement, in consultation with the Executive Director of Alumni Affairs and the other Decision-Makers.

(g) Where the Respondent is a general member of the community not directly affiliated as an employee, a student, or an alum, the final disposition of the Complaint shall be determined by the Vice-President Finance and Administration and CFO, in consultation with the other Decision-Makers.

10.3 Sanctions shall be proportional to the severity of the offence, considering any aggravating, mitigating and/or contextual factors. Previous findings of a violation of this Policy or a related violation of the Sexualized Violence Policy will be taken into account when sanctions are determined, and the severity of sanctions may be greater as a result. Sanctions may be used independently or in combination for any single violation and may be varied and depending on the nature of the Respondent's relationship with the University may be administered under more than one process.

10.4 Sanctions may include, but are not limited to:

- a) written letter of reprimand, with sanctions and remedies included;
- b) the exclusion of the Respondent from, or oversight during, one or more designated University activities or duties;
- c) a No Contact Order, which may include restrictions on: registration for specific classes, other academic/non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals;
- d) for Student Respondents, all sanctions in the Non-Academic Judicial Student Code of Conduct are available as appropriate; and
- e) for staff or faculty, any discipline, up to and including termination, shall be considered and implemented as appropriate in compliance with the terms of any relevant collective agreement or terms of employment document.

10.5 Remedies may apply to individuals, workplace units, and/or the entire University Community. Remedies may include but are not limited to:

- a) mandated counselling;
- b) education or coaching;
- c) Restorative Processes; and/or
- d) Workplace Restoration Processes.

- 10.6 Remedies may also be aimed at reparation of the Complainant through referral to employee assistance program, internal or external counseling services, or other support services where available.
- 10.7 Remedies may include, if appropriate, the provision of an accommodation and/or ongoing support to the Complainant.
- 10.8 Remedies may include provision of support from Technology Services where appropriate to block or filter offensive material being communicated to the Complainant online. This type of remedy may also be applied as an Interim Measure.
- 10.9 The appropriate University official shall respond to the Investigation Report within fifteen (15) days of receipt of the Report. The response, to be distributed to the Dispute Resolution Officer, the Complainant, the Respondent, and the respondent's supervisor, shall include any disciplinary and/or remedial measures deemed necessary and shall inform those involved of the right to appeal as per section 11. In cases where the outcomes of the Report or the measures taken are not successfully appealed, the Report and Response will become part of the Respondent's personnel file.
- 10.10 The Respondent(s) and Complainant shall have fifteen (15) days to initiate the Appeal Process in section 11. Disciplinary and/or remedial measures shall not be enforced until the Appeal Process has been completed or the Appeal Process initiation period of fifteen (15) days has elapsed.

## Appeal Process

- 11.1 A Complainant or Respondent may appeal the Decision-maker's decision.
- 11.2 Notwithstanding 11.1, if a member of AUFA or SEIU is a Respondent and is dissatisfied with the Decision-maker's decision, they are only entitled to appeal through the grievance and arbitration processes within their respective collective agreements, unless the subject matter of the complaint and decision does not fall within the jurisdiction of the collective agreement.
- 11.3 Appeals shall be limited to the following ground:
  - a) Unreasonableness of the decision (a decision is "reasonable" as long as it falls within the acceptable range of outcomes defensible in light of the facts and the law);
  - b) A material denial of procedural fairness that is likely to have impacted the outcome of the investigation.
- 11.4 All appeals must be submitted in writing to the Chair of the Harassment and Discrimination Policy Committee, specifying the grounds of the appeal, within fifteen (15) days of receipt of the final decision provided under Sanctions and Remedies, as described in section 10.10.
- 11.5 The Chair of the Harassment and Discrimination Policy Committee shall convene the Committee within five (5) working days of receipt of the Appeal to select an Appeals Committee composed of one member of the Committee, one member from the group of alternative Dispute Resolution Officers, and one additional University representative from the Appellant's union or working group appointed by that union or working group (in cases that involve a student the representative will be from the ASU), all of whom have had no previous involvement in the complaint resolution process giving rise to the Appeal.
- 11.6 The Appeals Committee shall determine if the appeal is well founded. The determination of the Appeals Committee shall be based only on the information that was before the Dispute Resolution Officer and the Decision-Maker. The Appeals Committee shall have access to legal counsel if required.

- 11.7 Within two (2) days of the appointment of the Appeals Committee, the Chair of the Harassment and Discrimination Policy Committee shall provide Notice of the Appeal and the composition of the Appeals Committee by electronic e-mail to the Complainant, Respondent, and Decision Maker (the “Interested Parties”).
- 11.8 The Interested Parties may provide information or make representations to the Appeals Committee, within ten (10) days of receiving Notice of the Appeal. The Appeals Committee shall immediately transmit a copy of any information or representations received to all Interested Parties by electronic mail.
- 11.9 The Interested Parties shall have an opportunity to comment on any information shared under section 11.7, within five (5) days of receipt.
- 11.10 Decisions of the Appeals Committee shall be made by majority vote within five (5) days of receiving any comments under section 11.9. The Appeals Committee may confirm the decision of the Decision-Maker or allow the appeal of the decision of the Decision-Maker and reverse or alter the decision of the Decision-Maker. If the Appeals Committee would have come to a different decision, it cannot call evidence again. The decision of the Appeals Committee shall be final and binding.

## Confidentiality

- 12.1 Acadia recognizes the importance of confidentiality both for individuals coming forward to seek Dispute Resolution or Report an experience of Discrimination and/or Harassment, and for individuals who are the subject of a Complaint, and will take steps to protect the confidentiality of both parties to the extent permitted by its legal obligations outlined below.
- 12.2 Acadia and its employees and agents will protect personal information and handle records in accordance with the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, where applicable in the circumstances, with the provisions of applicable collective agreements and, in the case of health care providers, in keeping with any professional obligations.
- 12.3 When making a Report to any University office, individuals shall receive clear and transparent information about the level of, and limits to, confidentiality that apply.
- 12.4 Individuals may speak in confidence to the Equity Officer, subject to the provisions of this section and the limitations below. The Equity Office will share identifying information with relevant University offices only in circumstances where it is necessary in order to administer an Investigation under this Policy as per section 9 “Conducting an Investigation”, to address safety concerns, or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Circumstances related to safety and legal reporting include those where:
  - a) An individual is at risk of harm to self;
  - b) an individual is at risk of harming others;
  - c) there are reasonable grounds to be concerned about risk of future violence or the safety of the University and/or broader community;
  - d) disclosure is required by law, for instance, suspected abuse of someone under the age of 16 or to comply with the *Occupational Health and Safety Act*, or with human rights legislation; and/or
  - e) to comply with the reporting requirements of regulatory bodies and/or professional licensing bodies.
- 12.5 Where there are reasonable grounds to be concerned about risk of future violence or the safety of the broader community or the public, or where the University is otherwise obligated to do so, the University may report the incident to the police. In these situations:

- a) The relevant Decision-Maker will be responsible for making the decision to disclose information to the police;
  - b) the name of the Respondent, if known, will be shared; and
  - c) the name of the Complainant will not be shared without their consent, unless doing so would address a reporting obligation.
- 12.6 Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Decision Maker, require the disclosure of information.
- 12.7 The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.
- 12.8 Failure to adhere to the Confidentiality requirements set out herein may be found to be a violation of this Policy.

## **Procedural Guidelines**

### **Frivolous, Vexatious, or Retaliatory Complaints**

- 13.1 Any Complaint under this Policy that is subsequently found to have been made in a vexatious or malicious manner, or otherwise to have been made in bad faith or in retaliation, is considered a violation of this Policy. Such complaints are not to be confused with complaints made in good faith that are ultimately found to be without merit.

### **Support Person**

- 13.2 An Individual who is a party to a Complaint, that is, as a Complainant or a Respondent, may be accompanied by a Support Person, or legal counsel at any stage of any of the procedures outlined in this Policy. The support person is not an active role; that is, the Support Person may be present during investigation interviews but may not participate as a representative or interfere with the Investigation. Any costs of any accompaniment are to be borne by the party. The support person can be selected from within the University, such as a Union representative, Coordinator of Student Community Development, the Black Employment and Cultural Navigator, the Coordinator of Indigenous Affairs, the Coordinator of International Student Advising, or any other community member. They may also select a support person external to the University, including, but not limited to, a lawyer, counsellor, guardian, friend, family member, etc. The Equity Officer will not serve as the Support Person if already serving as the Investigator. When requested, the Support Person can attend meetings with the Investigator or other meetings that are part of the investigative and non-investigative streams outlined in this Policy.
- 13.3 Members of unions and employees' associations have all rights to representation that their collective agreements confer.

### **Time Limitations**

- 13.4 Individuals are encouraged to report a Complaint at the earliest opportunity but any complaint must be made within twelve (12) months of the date on which the incident of Discrimination and/or Harassment is alleged to have occurred or within twelve (12) months of the last instance if the incidents are ongoing. Notwithstanding this, the Dispute Resolution Officer may, in exceptional circumstances, grant a Complainant an additional period of not more than twelve (12) months to make a complaint if to do so would be in the public interest and, having regard to any prejudice to the Complainant or the Respondent, would be equitable.

When the Complainant is no longer a Community Member, the Dispute Resolution Officer will review the Complaint and determine whether it is within the scope of the Policy and may decide to proceed with a University Initiated Investigation.

## **Reprisal**

- 13.5 The University prohibits reprisal, threats of reprisal, or retaliation against any person who, sincerely and in good faith, makes use of this Policy or participates in any of its processes. Reprisals, threats of reprisal, retaliation will be subject to sanction. Any individual who is concerned that they are the subject of reprisals, threats of reprisal, or retaliation should report their concerns to the Equity Officer or a designated Dispute Resolution Officer.

## **Interim Measures**

- 13.6 Interim measures are non-disciplinary conditions that may be imposed upon a Respondent where the allegations in a Complaint would, if proven, constitute harassment or discrimination, and with regard to all of the circumstances, are necessary to ensure (a) the safety and wellbeing of the Complainant, Respondent, and other members of the University community or (b) the integrity of any potential investigation.

Where interim measures are imposed, they must be proportionate to the seriousness of the alleged act of harassment and/or discrimination and as minimally restrictive as possible upon the Respondent to achieve the purpose of the interim measures.

- 13.7 Where interim measures are required, the Dispute Resolution Officer will consult with the Complainant and Respondent. Following consultations, the Dispute Resolution Officer will give written notice to the Complainant and Respondent of any interim measures being imposed. The Dispute Resolution Officer is responsible for coordinating interim measures with the relevant University offices, departments, and academic units. Interim measures may include, but are not limited to:
- a) Separating the Complainant and Respondent to minimize or prevent encounters in living, working, and learning environments;
  - b) Implementing no-contact agreements, including electronic correspondence;
  - c) Prohibiting the Respondent from being on some or all of the University premises and University -affiliated activities;
  - d) Imposing a suspension on a Respondent.
- 13.8 Interim measures may be challenged under the provisions of relevant collective agreements or terms of employment. In the case of students, a student upon whom interim measures have been imposed may appeal in writing to the Executive Director, Student Services within ten (10) working days of the interim measures being imposed. The Dispute Resolution Officer will have an opportunity to respond to the appeal in writing and the appropriate Decision Maker will deliver a written decision on the appeal.
- 13.9 Alleged breaches of interim measures are to be reported to the Dispute Resolution Officer, who will then refer the matter to the appropriate Decision Maker to take appropriate steps to determine (a) whether the interim measures were breached and (b) if so, what action will be taken as a result of any such breach. Where there is an immediate concern of risk to safety, alleged breaches should be reported to the Department of Safety and Security.

## **Data Gathering & Record Keeping**

- 13.10 All notes, materials, investigation reports, and decisions pertaining to Complaints will be kept by the Equity Office for seven years. These records may be retained longer, subject to the discretion of the Equity Office. Digital documents will be stored on a secure server and will be password-protected and available only to the relevant Parties; paper documents will be stored in a locked cabinet, with identical access restrictions.

## **Withdrawal from Process**

- 13.11 A Complainant may withdraw from a complaint process, investigation process, or resolution process at any time.

## Appendix A - Glossary

**Abuse of Power:** The University's organizational structure creates levels of authority amongst and between faculty, staff, and students. Those holding positions of authority and/or trust shall not abuse the power with which they are entrusted. The University strongly discourages consensual sexual or romantic relationships between individuals in positions of authority (such as, but not limited to, faculty, instructional staff, managers or supervisors, and athletic staff), and the students or employees whose performance they are responsible for grading, supervising, or evaluating.

**Agreement of Resolution:** A written document, following a successful mediation, which sets out a course of action agreed upon by the parties intended to eliminate harassment/discrimination and restore harmony, collegiality, and cooperation. This document is signed by all parties, including the Dispute Resolution Officer.

**Breach:** any conduct, behaviour, action or omission which is prohibited under this Policy or the Procedures, including but not limited to Discrimination, Harassment, and Reprisals.

**Community Member:** include, but are not limited to, faculty, staff and students of Acadia University and other engaged in activities under the auspices of Acadia University.

**Complainant:** An individual who believes they have experienced discrimination or harassment, or which is aware of an incident of discrimination or harassment, and who seeks recourse under this Policy.

**Conciliation:** a process that facilitates dispute resolution. In conciliation, the parties do not meet together. Rather, a conciliator, acts like a go-between, communicating each side's position to the other, relaying settlement options, and sometimes offering non-binding advice in an effort to bring the sides closer to settlement.

**Conflict of Interest:** refers to, but is not limited to, any instance where the Equity Officer, Decision-Maker, Investigator, Mediator, Facilitator, Dispute Resolution Officer, a member of the Harassment and Discrimination Policy Committee, or a member of the Appeals Committee (the "relevant individual") has existing or reasonably foreseeable professional, financial or other interests that impair or appear to impair their independent, unbiased judgment in the discharge of their responsibilities under this Policy; or where such an individual is aware that a member of his or her family has professional, financial or other interests that would impair or appear to impair their independent, unbiased judgment in the discharge of their responsibilities to the University. For the purposes of this provision, a 'family member' is defined as spouse, parent, sibling, or child of the relevant individual; or the parent, sibling, or child of the spouse of the relevant individual; or the spouse of a child of the relevant individual or the relevant individual's spouse. Also, for the purposes of this provision, a 'spouse' includes persons married to each other; or persons who have gone through a form of marriage and have lived together as spouses within the preceding twelve (12) months; or persons who are living together as spouses.

**Cultural Competency:** a concept that embraces the importance of culture, the assessment of cross cultural relations, vigilance towards the dynamics that result from cultural differences, including issues of power, privilege and oppression, the expansion of cultural knowledge, and the enabling and empowering of community members to excel by building on the strengths of individuals and communities, and adapting services to meet culturally unique needs.<sup>1</sup>

**Cultural Safety:** a concept that builds on the concept of Cultural Competence and embraces the importance of culture, the assessment of cross cultural relations, vigilance towards the dynamics that result from cultural differences, including issues of power, privilege and oppression, the expansion of cultural knowledge, and the enabling and empowering of

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<sup>1</sup> Bernard, W., & Moriah, J. (2007). CULTURAL COMPETENCY: An Individual or Institutional Responsibility? *Canadian Social Work Review / Revue Canadienne De Service Social*, 24(1), 81-92. Retrieved March 20, 2020, from [www.jstor.org/stable/41669863](http://www.jstor.org/stable/41669863)

community members to excel by building on the strengths of individuals and communities, and adapting services to meet culturally unique needs.<sup>2</sup>

Days: Business days. Weekends, statutory holidays, and other days in the academic calendar when Acadia is scheduled to be closed, are not included in calculating timelines referred to in this Policy. For greater certainty, days during the summer months are included for calculating timelines referred to in this Policy.

Decision-Maker: the appropriate Senior Administrative Officer who is required to make a determination on appropriate remedial actions and/or sanctions upon receipt of a final investigation report on a formal complaint.

Discrimination: means any action, behaviour or attitude, which could or does negatively affect the employment status, and/or the academic status and/or the provision of or access to services or facilities or any other prohibited areas set out in the *Human Rights Act* of any member of the University Community based on the protected characteristics under the *Human Rights Act* (age; race; colour; religion; creed; sex; sexual orientation; gender identity; physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin; family status; marital status; source of income; political belief, affiliation or activity; or an individual's association with another individual or class of individuals).

Dispute Resolution Officer: an individual who has been designated to resolve a complaint under these Procedures, including where the designated individual is the Equity Officer. All Dispute Resolutions Officers, including investigators, mediators, and/or facilitators, whether internal or external to the University, will have the training and expertise in the area of discrimination and harassment, and in using an intersectional, anti-oppressive, and a trauma-informed approach to the investigation processes. Investigators, mediators, and/or facilitators will follow the mandate and scope of the investigation as determined by this Policy.

Facilitated Discussion: A discussion that is supported by a Dispute Resolution Officer, with all parties involved, in order to hear the concerns, and resolve any issues. Similar to mediation.

Facilitation: a collaborative process used to help parties discuss issues, identify and achieve goals and complete tasks in a mutually satisfactory manner. This process uses an impartial third party, the facilitator, who focuses on the processes and procedures of dispute resolution and decision-making. The facilitator is impartial to the issues being discussed and has no decision-making authority.

File: means the faculty or staff official file as defined by Acadia University and/or relevant collective agreements. In the case of students, it means the non-academic judicial file.

Formal Complaint: a complaint of discrimination or harassment that is made in writing to the Advisor, is subject to investigation by an external investigator, and if substantiated, may result in sanctions up to and including discipline or dismissal.

Harassment: means any objectionable or offensive behavior that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of a Community Member. Examples of behavior that can constitute harassment under this Policy include, but are not limited to:

- a) Creating an intimidating, hostile or offensive work, learning, or living environment;
- b) Objectionable or offensive behaviour that is unwelcomed by recipients or witnesses to that behaviour;
- c) Conduct that adversely affects an individual's employment relationship or work or academic performance;



- d) Aggressive and/or bullying behaviour;
- e) Aggressive words or actions that are intimidating or threatening;
- f) Foul, abusive and profane language directed to another person;
- g) Sabotage of ability to properly perform duties;
- h) Malicious gossiping;
- i) Abuse of Power;
- j) Reprisals against any person who makes a good faith complaint under this Policy;
- k) Denying an individual dignity and self-respect.

Interim Measure: a precautionary, non-disciplinary step taken by Acadia to ensure the health, safety, and security of any Community Member, pending the resolution of a complaint. Interim Measures shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence or finding that no violation of this Policy occurred.

Investigator: individual who inquires into a formal complaint, makes findings as to violations, if any, of this Policy, and recommends remedial actions or sanctions to the appropriate Senior Administrative Officer.

Mediation: intervention into a dispute by a neutral party, a mediator, who has no decision-making authority, is impartial, and helps the parties communicate so they can reach a solution. Mediation is voluntary and confidential. Mediation can be used when the parties want to keep an ongoing relationship or end a relationship in a positive and cooperative way.

Online Harassment and Cyberbully: Discrimination, harassment, sexual harassment, bullying, or threat of violence can take many forms and occur in many ways online including social media, email and online meeting platforms, or other forms of electronic communication.

Cyberbullying involves the use of communication technologies such as the Internet, social networking sites, websites, email, text messaging and instant messaging to repeatedly intimidate or harass others. Examples of cyberbullying includes:

- Sending mean or threatening emails or text/instant messages.
- Posting embarrassing photos of someone online.
- Creating a website to make fun of others.
- Pretending to be someone by using their name.
- Tricking someone into revealing personal or embarrassing information and sending it to others.

Sexual cyberbullying is an electronic communication of a sexual nature, direct or indirect, that causes or is likely to cause harm to another individual's health or well-being where the person responsible for the communication maliciously intended to cause harm to another individual's health or well-being or was reckless with regard to the risk of harm to another individual's health or well-being. Sexual cyberbullying can also include non-consensual sexual contact online (e.g. sending/posting nude images or pornography) even if it was not intended to be malicious.

Poisoned Environment: A poisoned environment is a form of discrimination. Any hostile, intimidating, or offensive activity or behaviour, which may or may not be directed at a specific individual can create a hostile or poisoned environment. It may be created by the comments or actions of any person, regardless of their status. For example, ongoing jokes and comments or derogatory statements made about older persons in a workplace or service setting may constitute harassment or create a "poisoned environment" for older persons by making them feel uncomfortable, threatened or unwelcome.

President, Provost, and Vice-Presidents: The senior administrators of Acadia University who bear primary responsibility for the development, application and maintenance of the Harassments and Discrimination Policy and the Equity Office. Within this Policy, they are referred to as "Decision-Makers" where their roles in the application of the Policy demand.

Protected Characteristic: the characteristics protected from discrimination. They are: age; race, colour, religion; creed; sex; sexual orientation; gender identity; gender expression; physical or mental disability; an irrational fear of contracting

an illness or disease; ethnic, national or Aboriginal origin; family status, marital status; source of income; political belief, affiliation or activity; any other characteristic enumerated in the *Human Rights Act*; as well as an individual's association with another individual or class of individuals having protected characteristics.

Respondent: An individual against whom an allegation or complaint has been made pursuant to this Policy.

Restorative Practices: Refer to approaches to dispute resolution that seek to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of an incident or issue.

Staff: employees of the university including, but not limited to: Senior Administrative Officers, unionized employees, temporary employees, casual employees, non-teaching staff, teaching assistants, and any other person deemed by the Director of Human Resources to be a staff person.

Student: an individual who is registered in a course or course of study at Acadia University or who was so registered at the time an incident of a violation of this Policy is alleged to have occurred.

Systemic Discrimination: Policies, practices and institutional procedures which deliberately or not, have the effect of creating or perpetuating disadvantage and discrimination against identifiable groups on grounds prohibited by the *Human Rights Act*.

Unit Head: includes Deans, Directors of Schools, Heads of Departments, and Directors, Coordinators or Managers of Administrative Units, University Librarian, and the ASU General Manager.

University Community: All Members of the University Community ("Community Members"), which includes students (graduate, undergraduate, and continuing education), staff, faculty, coaches, volunteers, visitors (including visiting professors), alumni, and institutional administrators and officials representing Acadia.

University Matter: means any activity, event, or undertaking in which a member of the University Community participates, which has a substantial connection to the University, such as:

- a) University-related activities or events, including but not limited to:
  - i. Any activity or event on property owned or controlled by the University;
  - ii. The leasing of space, including student resident rooms, on property owned or controlled by the University;
  - iii. The offering of any service by the University, including educational services;
  - iv. Student placements, practical, or clinical training;
  - v. University research activities, whether on or off campus;
  - vi. Student and/or employee exchanges arranged in connection with the University;
  - vii. Social events or networking, where matters regarding the University or members of the University Community are a significant focus of the activity;
  - viii. University field trips, travel-study tours, service-learning activities, and similar activities; and
  - ix. Online conduct with a sufficient nexus to the University Community.
  
- b) Activities or events involving members of the University Community, where the actions of those members of the University Community may reasonably reflect upon or affect the University, including but not limited to:
  - i. Any aspect of the employment or engagement of employees and visitors for roles and projects substantially connected to the University;
  - ii. Participation on a committee or board as a representative of the University;
  - iii. Writings, photographs, artwork, audio or video recordings, and/or electronic communications, including communications through social media, where matters regarding the University or members of the University Community are a significant focus of the communication;

- iv. Matters related to Acadia's Student Union and their affiliated student groups to the extent that it affects the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments; or
- v. Matters of off-campus conduct that have or might reasonably be seen to have an adverse effect on the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments.

Visitor: is someone, not a student, staff, or faculty member of the University as defined by this Policy, who visits Acadia University property. This could include: members of the local community attending events held on campus, those making use of recreational facilities on campus, guests of students, staff and faculty, guests of Conference Services staying in residence accommodation, and contractors or other persons working on University premises but not employed by Acadia University.

Workplace Restoration: is the establishment or re-establishment of harmonious working relationships between individuals and within a team, group or unit.