



RESPECTFUL WORK AND LEARNING ENVIRONMENT POLICY AND PROCEDURES

PURPOSE:

A respectful work and learning environment is essential for the success of The Salvation Army William and Catherine Booth University College (Booth UC), as well as the individual members of its community. Further, Booth UC is accountable to relevant provincial legislation and works to ensure compliance with the *Manitoba Human Rights Code* (MHRC) and the *Workplace Safety and Health Act and Regulations*.

SCOPE:

All Booth UC Students, Employees, and Affiliated Individuals are expected to uphold this policy by maintaining a respectful campus environment in which all work together to prevent Harassment and Discrimination.

This policy addresses incidents of *Personal and Human Rights-based Harassment and Discrimination*. Incidents considered to be a sexual act or act targeting a person's sexuality, gender identity or gender expression will be addressed through the Booth UC Sexual Violence Policy.

Nothing in this Policy is intended to discourage or prevent anyone from exercising any other legal rights, actions, or remedies under any other law.

DEFINITIONS:

The following terms are defined for the purpose of this Policy:

"Affiliated Individual" means an individual affiliated with Booth UC in the scope of their work or involvement with or on behalf of Booth UC as a volunteer, visitor, contractor, board member, etc.

"Balance of Probabilities" refers to the standard of proof used in deciding Harassment complaints. It requires that the evidence be weighed, and the decision be made in favour of the side which is more likely to be true. This contrasts with the "beyond a reasonable doubt" standard used in criminal matters.

"Breach" means any conduct, behaviour, action, or omission which is prohibited under this Policy or the Procedure, including but not limited to Discrimination, Harassment, and Retaliation.



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"Complainant" means a person who discusses a concern and/or makes a complaint (an allegation, whether oral or written) of Harassment or Discrimination under the policy.

"Complaint Mediator" means one or more persons appointed to investigate an alleged Breach.

"Complaint Review Committee" means the individuals designated by the President to determine the Resolution of the case.

"Discrimination" means the differential treatment of people based on the person's Protected Characteristic; or failure to make reasonable accommodation for the special needs of any individual or group, if those special needs are based upon any Protected Characteristic.

"Employees" means individuals employed by Booth UC as full-time, part-time, casual or sessional staff and/or faculty.

"Formal Complaint" means a written complaint to the Dean of Students (for students) and the Human Resources Generalist (for staff and faculty) that details an incident of Discrimination or Harassment.

"Informal Resolution" means the Resolution of an alleged Breach to the satisfaction of the Complainant and the Respondent, without an Investigation being completed.

"Investigation" means a formal Investigation of an alleged Breach conducted in accordance with the Procedure.

"Harassment" refers to:

- (a) **"Personal Harassment"**, which means offensive behaviour directed towards another person and not connected to a Protected Characteristic, including but not limited to:
- (i) An incident or incidents of objectionable and unwelcome conduct or comments, directed toward a specific person or group, which does not serve a reasonable work or academic purpose, and objectively would have the effect of creating an intimidating, humiliating, hostile or offensive work or learning environment;
 - (ii) Verbal or written abuse, threats or intimidation that objectively is humiliating or demeaning;
 - (iii) Objectionable and unwelcome conduct or comments that objectively would have the effect of impacting the mental or physical health of another person;
- (b) **"Human Rights Based Harassment"**, which means offensive behaviour connected to a Protected Characteristic, including but not limited to:



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- (i) A severe single incident or a series of incidents of objectionable and unwelcome conduct or comments, directed toward a specific person or group, which objectively would have the effect of creating an intimidating, humiliating, hostile or offensive work or learning environment;
 - (ii) Verbal or written abuse, threats or intimidation that objectively is humiliating or demeaning;
 - (iii) Objectionable and unwelcome conduct or comments that objectively would have the effect of impacting the mental or physical health of another person;
- (c) **“Sexual Harassment”** is addressed in the Sexual Violence Policy and is defined as engaging in a course of vexatious comments or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.

It is not Harassment or otherwise a violation of this Procedure for:

- (a) A supervisor or manager to engage in the legitimate evaluation of the performance of an Employee or Affiliated Individual, or otherwise overseeing their work;
- (b) A faculty member or instructor to provide relevant evaluation feedback, determine grades, set expectations for classroom interaction, and identify and prevent inappropriate classroom behaviour
- (c) An academic or administrator to provide legitimate peer review or other critique of research or academic work.

Protected Characteristics are identified in the Manitoba Human Rights Code and apply to complaints of Discrimination and/or grounds-based Harassment. These characteristics are:

- (i) ancestry, including colour and perceived race
- (ii) nationality or national origin
- (iii) ethnic background or origin
- (iv) religion or creed, or religious belief, association or activity
- (v) age
- (vi) sex, including sex-determined characteristics or circumstances
- (vii) gender identity and gender expression
- (viii) sexual orientation
- (ix) marital or family status
- (x) source of income
- (xi) political belief, political association or political activity (including union affiliation or activity)
- (xii) physical or mental disability or related characteristics or circumstances; and
- (xiii) social disadvantage.



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“Respondent” means the person against whom a complaint has been made under this policy or is the subject of allegations of Harassment or Discrimination under the policy.

“Resolution” means a decision made, either by mutual agreement between the parties involved in the case, or by decision of the Complaint Review Committee, that satisfies the concerns of the parties involved and Booth UC.

“Students” means any individual taking courses offered by Booth UC by virtue of their enrollment in Booth UC campus programs, School for Continuing Studies, College for Officer Training, or Corporate Learning Academy programs.

POLICY:

Booth UC is committed to maintaining a respectful work and learning environment that is free from Harassment and Discrimination and where all members of the Booth UC community are treated with dignity and respect. Booth UC does not condone behaviour that is likely to undermine the dignity, self-esteem, or productivity of any of its members.

1. Policy Aims

- 1.1. Establish and maintain a campus that is free from Harassment and Discrimination.
- 1.2. Provide guidance on principles and actions that will help Booth UC maintain a respectful work and learning environment:
 - 1.2.1. Identify types of behaviour which contribute to a respectful work and learning environment.
 - 1.2.2. Identify types of behaviour which constitute Harassment or Discrimination.
 - 1.2.3. Clarify the balance of rights in support of academic freedom and diversity of personal perspectives.
 - 1.2.4. Outline responsibilities of instructors, managers, and UC administration to ensure a respectful work and learning environment.
 - 1.2.5. Encourage early Resolution of conflict between members of the Booth UC community as is appropriate and practicable according to the situation.
- 1.3. Ensure that all Booth UC members are aware that Harassment and Discrimination are unacceptable and will not be condoned. Communication, training, and education are key aspects of promoting a respectful work and learning environment.



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- 1.4. Establish a fair and transparent procedure for the receipt of complaints, allegation notification, investigation process, and possible disciplinary outcomes.
- 1.5. Ensure appropriate support and accommodation for those involved in the case.

2. Policy Principles and Actions

Booth UC supports and promotes a community that embraces diversity and inclusion. To this end community members should respect the dignity and rights of all people, behaving in a manner that facilitates a safe work and learning environment, free from Discrimination and Harassment.

- 2.1. Behaviour that contributes to a respectful work and learning environment includes but is not restricted to:
 - 2.1.1. Valuing diversity of people, values, beliefs, cultures
 - 2.1.2. Preserving the dignity of others in all interactions, particularly when encountering differences of opinion or perspective
 - 2.1.3. Acting in a courteous manner regardless of the circumstances
 - 2.1.4. Focusing on solutions and commonalities rather than people and differences
 - 2.1.5. Collaborating when appropriate to the situation
- 2.2. Behaviour that constitutes Discrimination or Harassment and which is not permitted on the Booth UC campus or anywhere in which Booth UC business is conducted includes but is not restricted to:
 - 2.2.1. Any distinction, whether intentional or not, that disadvantages another person based on personal characteristics that are protected in Manitoba's Human Rights Code
 - 2.2.2. Withholding or limiting access to opportunities, benefits, advantages, and employment based on personal characteristics that are protected in Manitoba's Human Rights Code
 - 2.2.3. Unwelcome demeaning, offensive or objectionable comments or actions towards another person or group of people that is intimidating another person or group of people, and which causes them to feel unsafe in Booth UC's work and learning environment.
 - 2.2.4. Displaying offensive, objectionable, or vexatious words or symbols in print or any electronic media platform that is demeaning to another individual or group, except as deemed appropriate to the learning content of academic courses or research (cf 2.3.3)
 - 2.2.5. A harassing or discriminatory act can be unintentional, and still warrant action under this policy.



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- 2.3. A balance of rights will be maintained that both supports academic freedom and diversity of personal perspectives. Nothing in this policy is intended to detract from the academic freedom of Booth UC faculty.
- 2.3.1. Booth UC encourages respectful interaction and debate between diverse perspectives as part of the learning process.
 - 2.3.2. Booth UC supports reasonable accommodation in the classroom for individuals affected by Harassment and Discrimination while upholding bona fide academic requirements for each academic course or program.
 - 2.3.3. From time to time, academic learning may include discussion of unpopular opinions or controversial material. Such material may be used to further scholarly pursuits, provided that the communication is compatible with the principles of Human Rights, the Criminal Code, and the principles of respectful behaviour embodied in this Policy and Procedure. Opinions must be expressed in a manner which is not in Breach of this Policy or Procedure.
 - 2.3.4. This Policy and Procedure applies to the general workplace, but is not intended to:
 - 2.3.4.1. Regulate teaching techniques, pedagogy, research, and service; or
 - 2.3.4.2. Limit the legitimate work of managers, supervisors and academic administrators to assign work and provide feedback on work or performance.
- 2.4. Maintaining a respectful work and learning environment is the share responsibility of each member of the Booth UC community. Instructors, managers, and UC administration have a particular responsibility to assist those for whom they are responsible to understand and abide by this policy in all work and learning environments. It is the duty of these individuals to deal with complaints appropriately and to assist in the proper application of this policy and procedures in their respective areas.
- 2.5. Early Resolution of interpersonal conflicts is encouraged as appropriate and practicable to the situation. Direct communication between the individuals involved in the conflict is encouraged according to the following principles¹:
- 2.5.1. Conflict is unavoidable and in itself is neither good nor bad. How the response is managed determines the outcome.
 - 2.5.2. Conflict is best managed at the lowest level of intensity required to bring a Resolution that is satisfactory to the parties involved. Resolution may involve agreeing to disagree.
 - 2.5.3. Each person involved in a conflict contributes to the situation and can choose their actions and reactions.

¹ *Guide to Conflict Resolution at BU*. Diversity & Human Rights Office. Brandon University. Downloaded July 5, 2023 from <https://www.brandonu.ca/diversity/guide-to-conflict-resolution-at-bu>.



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- 2.5.4. Each person should acknowledge that they cannot know another person's intention without asking. They also cannot control how another person perceives their words or actions, regardless of their intent.
- 2.5.5. In almost every situation, conflict is best resolved directly by the parties in conflict.
- 2.5.6. A mediator may be brought into to help the parties to resolve a conflict, but it is still the responsibility of the parties involved to find a workable solution.
- 2.5.7. Both parties must be present for a conflict to be resolved. Conflict cannot be resolved if one party remains anonymous or does not participate in solving the issue in good faith.

3. Communication, Training, and Education

- 3.1. A current copy of this Policy and Procedure will be posted in a location accessible to all Booth UC community members.
 - 3.1.1. For staff and faculty, the policy will be posted in the Populi group "BoothUC Forms, Business Policies & Manuals".
 - 3.1.2. For Students, the policy will be posted on the Booth UC website under "Student Policies". A summary of this policy will also be provided in the Student Handbook.
- 3.2. New Employees will be required to review this policy as part of their orientation and onboarding process within the first week of employment.
- 3.3. New Students will be required to review this policy as part of their orientation within the first month of studies.
- 3.4. Affiliated Individuals who are new to Booth UC will be briefed by the appropriate managing supervisor or person inviting the Affiliated Individual to campus.
- 3.5. Employees will receive training on how to appropriately receive a disclosure of Harassment or Discrimination, how to refer individuals to relevant resources, and what steps to take in filing a Formal Complaint.
- 3.6. Education and training will be conducted for Employees and Students on an ongoing basis to promote a respectful work and learning environment at Booth UC.

4. Procedure for Receiving & Investigating Complaints

This procedure for receiving and investigating complaints regarding incidents of Harassment or Discrimination aims to treat all members of the Booth UC with compassion, fairness, dignity, and respect.



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4.1. Receiving Complaints:

- 4.1.1. Individuals who experience Harassment or Discrimination while at Booth UC or involved in Booth UC activity may bring their concerns to any Booth UC staff or faculty member who will respond according to this policy.
 - 4.1.1.1. If the individual wishes to submit a Formal Complaint they will be referred to either the Dean of Students (in cases involving students) or to the Human Resources Generalist (in cases involving staff or faculty only), who will serve as the Complaint Mediator.
 - 4.1.1.2. The Complaint Mediator will inform the Complainant of the steps involved in conducting an Investigation and will guide them through the process.
- 4.1.2. Complaints submitted anonymously cannot be used on their own in any disciplinary action against the Respondent, though they may prompt further Investigation by Booth UC.
- 4.1.3. Complaints should be submitted as soon as possible after the alleged incident of Harassment or Discrimination to have best opportunity for successful Resolution. Under normal circumstances, complaints should be submitted within 12 months of the incident occurring.
- 4.1.4. Written Formal Complaints must include, at a minimum, the following:
 - 4.1.4.1. Name and contact information for the Complainant
 - 4.1.4.2. Name of the Respondent
 - 4.1.4.3. Description of the alleged Breach of policy, including who was present/involved in the incident, where the incident took place, when, how the Complainant is impacted and any other details relevant to helping the Investigation.
 - 4.1.4.4. Indication that the Complainant wishes an Investigation to be conducted.

4.2. Initial Complaint Review:

- 4.2.1. Once a Formal Complaint has been brought to their attention, the Complaint Mediator will proceed with the following:
 - 4.2.1.1. Determine whether the complaint Breaches the terms of Booth UC policy.
 - 4.2.1.2. Arrange a meeting with the Complainant as soon as possible to review and clarify the Complainant's intent and clearly communicate the Formal Complaint process.
 - 4.2.1.3. Determine whether the Complainant wishes to pursue an early Resolution to the incident through a mediated meeting with the Respondent without proceeding to an Investigation.
 - 4.2.1.4. Inform the Complainant that a summary of the complaint taken from the Complainant's written statement and the interview will be provided to the Respondent. The Complainant has the right to review this summary before it is sent to the Respondent and may make edits as deemed appropriate.
 - 4.2.1.5. Inform the Booth UC President of the receipt of the Formal Complaint.



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- 4.2.2. Following the initial meeting with the Complainant, the Complaint Mediator will:
- 4.2.2.1. Determine whether any immediate interim measures or accommodations should be implemented to ensure the safety of all parties involved.
 - 4.2.2.2. Inform the Respondent of the case that has been brought forward and provide them with a summary of allegations based on the written complaint and the information from the initial Complainant interview.
 - 4.2.2.3. The Respondent will normally be given up to 10 working days to review the summary of allegations and provide a written response or request a meeting with the Investigator. A summary of the Respondent's statement will be given to the Complainant.
 - 4.2.2.4. Should the Respondent choose not to participate in providing a response, either in writing or in a meeting, the Complaint Mediator will proceed with the Investigation without such input from the Respondent.

4.3. Complaint Investigation

- 4.3.1. The option of a mediated meeting between the Complainant and the Respondent may be considered prior to an Investigation, pending agreement of all parties. The purpose of this meeting is to give opportunity to resolve the conflict in accordance with 2.5 above and to bring to light any additional facts of the case. Should a workable solution be agreed to by both parties, the case will be considered resolved unless a further Breach of policy is noted. Booth UC reserves the right to continue with an Investigation and possible disciplinary action regardless of the outcome of this meeting.
- 4.3.2. An Investigation is deemed necessary if:
 - 4.3.2.1. Disciplinary action against the Respondent is being sought.
 - 4.3.2.2. Risk of further harm exists for any of the individuals involved in the case.
 - 4.3.2.3. Risk of harm exists for Booth UC, its reputation, or members of its community.
 - 4.3.2.4. The Complainant Mediator deems it necessary.
- 4.3.3. Any party to a complaint has the right to have another individual accompany them to interviews or other meetings required under this procedure. This may include union/association representative, student advocate, elder, friend, relative, or other.
- 4.3.4. The Complaint Mediator will arrange to meet with the Respondent to review the complaint summary they have received, to answer questions, to explain the Investigation process, to advise them of their rights within policy, and to invite submission of names from other individuals who may have information relevant to the situation.



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- 4.3.5. The Complaint Mediator will gather information from the parties involved in or present during the incident. These meetings will be carefully documented by the Complaint Mediator and a summary will be shared with both the Complainant and the Respondent.
- 4.3.6. The Complaint Mediator will inform the Booth UC President about the progress of the complaint Investigation and will consult with the VP Administration regarding possible external legal advice required.
- 4.3.7. The Complaint Mediator will generate a final written report outlining the relevant details of the case as presented by all parties and witnesses involved. These details will be documented in a fair and impartial manner, free from speculation or personal judgement.

4.4. Complaint Resolution

- 4.4.1. The final written report will be distributed to those members of the Booth UC Cabinet or other members of administration who are designated by the President to be appropriate for determining the Resolution of the case. These individuals, together with the Complaint Mediator, will constitute the Complaint Review Committee.
- 4.4.2. A Resolution will be determined, using the "Balance of Probabilities" standard.
- 4.4.3. Decision concerning any discipline or remedial action required will be made according to one of the following outcomes:
 - 4.4.3.1. **No Breach of Booth UC policy. No further action required.** In some cases, once the Investigation is complete, no Breach of policy is discerned, and no action is required. An example of this is if the case is the result of a misunderstanding that is clarified through the Investigation process.
 - 4.4.3.2. **No Breach of policy. Remedial or corrective action is required.** In some cases, the behaviour giving rise to the complaint may demonstrate poor judgement that is contrary to Booth UC's commitment to a respectful work and learning environment but does not constitute a clear Breach of policy. In such a case, Booth UC may find it necessary to take corrective action to address the behaviour. This may include:
 - Verbal feedback from the appropriate supervisor/administrator to the Respondent to cease the behaviour.
 - An opportunity for the Complainant to share the impact of the behaviour with the Respondent, either directly or through the appropriate administrator.
 - Mediation between the Complainant and the Respondent.
 - Additional educational training to improve understanding of policy goals and how personal behaviour contributes or detracts from these goals.
 - 4.4.3.3. **Breach of policy. Remedial and disciplinary action is required.** In some cases, the actions of the Respondent are deemed to be a clear Breach of Booth UC policy and are subject to disciplinary action. The nature and type of the discipline will vary



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with the severity of the policy Breach. The disciplinary process described in the Student Handbook (for cases when the Respondent is a Student) and in the Staff and Faculty Handbooks respectively (for cases when the Respondent is an Employee) will be followed as determined by the Complaint Review Committee. Complaints against Affiliated Individuals will be dealt with on a case-by-case basis as determined by the Complaint Review Committee.

5. Malicious complaints and retaliation

- 5.1. Complaints which are found to be malicious or made in bad faith may, in turn, be treated as Harassment under this Policy and Procedure.
- 5.2. Maliciously and deliberately making a false complaint under this policy or any other Booth UC policy will be considered an act of Harassment and will be treated as such. An unsubstantiated complaint is not by default a malicious or deliberately false complaint.
- 5.3. Retaliating against someone who has made a complaint in good faith under this policy or any other University policy, against someone who has cooperated in good faith in an Investigation under this policy or any other University policy or legislation, will also be treated as Harassment.

6. Confidentiality

- 6.1. Booth UC recognizes the importance of confidentiality, and incidents brought will be treated as confidential. All information collected as a result of any action under this policy will be managed in accordance with *The Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* as applicable.
- 6.2. This commitment to confidentiality extends to any member of the Booth UC community who may be privy to information or who possesses documentation about a complaint or Investigation. Breaches of confidentiality may be subject to penalties.
- 6.3. Confidentiality must be balanced with Booth UC's legal obligations to address Discrimination and Harassment. At times information will need to be shared in order to investigate a matter, to address a risk or threat, or to comply with requests from legal entities.
- 6.4. Confidentiality should not be confused with anonymity. Those who bring forward a concern and wish for action to be taken on their concern must be prepared to be identified as a Complainant. Booth UC will make every attempt to ensure that there are no reprisals against anyone making a complaint under this policy or participating in an Investigation.



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7. Appeals

- 7.1. While every effort is made to ensure that any Respondent who has been accused of a violation is treated in a fair and just manner throughout the disciplinary process, either of the parties in the case may wish to appeal the decision of the Complaint Review Committee.
- 7.2. The reason for submitting an appeal should be based on one or more of the following grounds:
 - 7.2.1. Bias or unfair treatment
 - 7.2.2. Procedural error
 - 7.2.3. The disciplinary action is not a logical consequence of the violation
 - 7.2.4. New information/evidence has been found
- 7.3. Appeals must be made in writing within 10 business days of the outcome of the Complaint Review Committee's decision being communicated to the parties involved. Appeals are submitted to the Booth UC President or their designate for review.

8. Attachments:

- 8.1. Campus Harassment and Discrimination Formal Complaint Form
- 8.2. Campus Violence Incident Report Form

9. Cross References & Previous Policies:

- 9.1. This policy replaces these previous policies:
 - 9.1.1. Booth UC Workplace Harassment Discrimination and Violence Prevention Policy - April 9, 2021
 - 9.1.2. Booth UC Harassment Policy – December 2010
- 9.2. This policy should be cross referenced with the following policies:
 - 9.2.1. Sexual Violence Policy & Procedures
 - 9.2.2. Student Handbook
 - 9.2.3. Faculty Handbook
 - 9.2.4. Staff Handbook