



MRFA
MOUNT ROYAL
FACULTY ASSOCIATION

Policy Against Abusive Conduct

Category: Faculty Centre

Date last Revised: August 24, 2021

I. Overview

The Mount Royal Faculty Association is committed to building and preserving a safe, productive, and healthy working environment within the scope of MRFA operations, with the intent that no-one suffers discrimination, harassment or violence for any reason, at any time, during their work as an MRFA employee or MRFA Executive Board member.

This policy does not apply to interactions between members during their interactions as MRU employees, as the employer governs these matters through MRU policies and procedures.

This policy is not intended to interfere with or prevent free speech within the law, or to prescribe and impose notions of 'civility' in everyday interactions.

"Nothing in the MRFA policy precludes individuals reporting violence or harassment to the police. If a member feels that their life is being threatened or that harassment might reach a physical level, the MRFA encourages members to directly report the instances to the police before informing the MRFA. In certain circumstances, the MRFA will report instances of violence and ongoing harassment to the police."

II. Definitions

a. *Discrimination*

Discrimination is the act of treating an individual or group differently, unfairly and usually to their detriment, because of their racial or ethnic origin, religion or belief, disability, age, sex, sexual orientation, other personal characteristics, or any protected grounds under Alberta Human Rights Legislation.

b. *Violence*

Violence, whether at a work site or work related, is defined by the Alberta Occupational Health and Safety (OHS) Act as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.

Workplace violence can include, but is not limited to:

- physical attack or aggression (e.g. hitting, shoving, pushing or kicking a worker; throwing an object at a worker; kicking an object the worker is standing on, such as a ladder);

- threatening behaviour (e.g. shaking a fist in a worker's face, wielding a weapon at work, trying to hit a worker, trying to run down a worker using a vehicle or equipment such as a forklift, destroying property or throwing objects);
- verbal or written threats (e.g. verbally threatening to attack a worker, leaving threatening notes or sending threatening emails to express an intent to inflict harm on a worker);
- domestic violence; and
- sexual violence.

c. *Harassment*

The OHS Act defines harassment as any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes: conduct, comments, bullying or actions because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation; or a sexual solicitation or advance.

Harassment is improper conduct by an individual that is directed at and offensive to another individual in the workplace, including at any event or any location related to work. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat, in-person, by phone, via email or other social media, or in writing.

Harassing behaviour can include, but is not limited to:

- name calling, harassing messaging (i.e. texts, phone calls and emails), spreading rumours;
- referring to a person using terms or pronouns that do not align with the person's affirmed gender;
- fist shaking, yelling;
- exclusion or isolation of individuals;
- standing too close or making inappropriate gestures/comments;
- intentionally withholding information or giving the wrong information; and
- displaying or circulating offensive pictures or materials in print or electronic form.

Harassment does not include any reasonable conduct of an employer or supervisor related to the normal management of workers or a work site. For example, the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks, reference checks, and the application of progressive discipline, up to and including termination, are not harassment, as long as these are done in a non-discriminatory manner.

III. Process for Addressing Abuse

If an MRFA staff member or Executive Board member believes they are being abused (via discrimination, violence or harassment) while conducting MRFA business, they are encouraged to seek resolution by first, making clear to the person, if possible, that they do not welcome the behaviour. They can do so either on their own, verbally or in writing, or with the assistance of another party. Also, they should indicate that they will take further action if the behaviour continues. If the behaviour persists or if they feel uncomfortable approaching the person, they are to contact the MRFA President who will investigate the matter as per the process outlined below. Should a member of the MRFA Executive Board be the subject of the complaint, an external third party will be appointed to investigate the matter in lieu of the MRFA President. Under other circumstances, even when a member of the MRFA Executive Board is not the subject of the complaint, the MRFA Executive Board may determine that it is best to have the investigation process conducted by a third party.

The complaint process is as follows:

1. *Making a Complaint*

All complaints made by any person must be submitted at any time, in writing, to the investigator. The written complaint will include a full description of the harassment or violence event(s), including dates and times, locations, and names of any witnesses.

2. *Documenting and Following-Up a Complaint*

- a. A copy of the written complaint shall be provided to the respondent within five (5) days of its receipt and the respondent shall be invited to reply, in writing, within ten (10) days.
- b. The reply shall be provided to the complainant before the case proceeds and the complainant invited to respond, in writing.
- c. A preliminary review of the complaint and response(s) will be made to determine:
 - i. If a mutually agreeable resolution between the complainant and respondent is possible, having regard to all applicable factors; or
 - ii. If reasonable grounds exist to continue with a formal investigation.

3. *Investigating a Complaint*

- a. If a formal investigation is decided, the complaint recipient shall conduct a formal investigation.
- b. The complaint recipient shall identify and implement actions to follow-up on the complaint. These shall include interviewing and/or receiving written statements from witnesses.
- c. The complaint recipient shall recommend further actions and/or consequences, including disciplinary action, which must be proportionate to the seriousness of the situation, as is the intent of this policy.

4. *Resolving a Complaint*

Resolution of substantiated allegations of violence and/or harassment may include, but not be limited to, apology, reprimand and, possibly, referral to relevant Mount Royal University Policies. Employees found to have committed workplace harassment or violence may be subject to disciplinary action as MRU policies.

5. *Concluding a Complaint Process*

- a. The complaint recipient shall ensure at the conclusion of an investigation that:
 - i. The respondent is notified of the investigation's conclusions and of further actions, if any;
 - ii. The complainant is notified, where appropriate, of the investigation's conclusions and general outcome.
- b. The reported incident may be forwarded, as required or permitted by applicable law, to external agencies including, but not limited to, the appropriate law enforcement agency or professional body.

IV. False Claims

Vexatious claims of discrimination, violence and/or harassment are themselves infractions of this policy.

V. Replated Policies

- Faculty Centre Guest Policy
- Meeting Policy