Discrimination and Harassment Complaint Guidelines for Students

University of Alberta

Informal resolution and formal resolution procedures for complaints of discrimination and harassment are provided to ensure an established process for the management of complaints.

Informal resolution and formal resolution procedures will be applied according to the University of Alberta’s negotiated investigative, disciplinary or grievance procedures as contained in its agreements with the Association of Academic Staff (AASUA) the Non-Academic Staff Association (NASA), the Code of Student Behaviour and any applicable contracts.

To assist in understanding these processes, this Discrimination and Harassment Complaint Guidelines for Students is provided. If an instance arises where there is a conflict between the guideline and any collective agreement, applicable contract or the Code of Student Behaviour, the collective agreement, applicable contract or Code of Student Behaviour will apply.

Initial Steps/Preparation

1. If a student believes that he/she has been, or may have been, subject to discrimination or harassment by a staff member or a fellow student at the University, the first step is to record the time, place, nature of the behaviour, and names of all people involved. Keep this record in a safe place. This documentation may be very useful later, and it will also help the student to clarify what happened.

2. If, and only if, the student feels safe doing so, he/she can speak respectfully but directly to the person whose behaviour is affecting him/her. Many issues may be resolved this way, but the student should not feel compelled to attempt this before first seeking advice from a support service.

3. Students are encouraged to discuss their concern with an advisor at the Student OmbudService, the Sexual Assault Centre or the Office of Safe Disclosure and Human Rights (check the UofA website for location and contact information). This conversation should help the student to consider:
   a. whether the matter meets the definition of harassment or discrimination,
   b. whether the student can or should approach the person directly and how to best broach the topic,
   c. establish if anyone else should be made aware of the complaint, and
   d. determine if the matter should be brought forward through the informal or formal resolution process.

A. Informal Resolution Process

1. Complaints seeking an informal resolution should make their complaint in either written or oral form and direct it to the supervisor of the staff member.
a. For instructional staff, this will be the Chair of the department in which the course is taught.
b. For other University employees, the advisor (at the Student OmbudService, the Sexual Assault Centre or the Office of Safe Disclosure and Human Rights) can assist in determining the appropriate recipient of the complaint.

2. Upon receipt of the complaint, the supervisor shall, in consultation with the complainant, determine what options for resolution exist and which should be pursued.
   a. Resolutions include, but are not limited to:
      i. Notification of effect/impact of behaviour
      ii. Mediation
      iii. Verbal or written reinforcement of behavioural expectations
      iv. Options for coaching or educational programs

3. Students should note that the University takes seriously complaints of harassment and discrimination and will take steps to endeavor that no penalty, academic or otherwise, results from pursuing a resolution to such an issue. These steps can be discussed with the supervisor. Alternately, the University also recognizes the serious nature of allegations of discrimination and harassment that are made in bad faith and may take disciplinary action should allegations of discrimination or harassment be shown to be malicious, frivolous, fraudulent or vexatious.

4. The respondent will be informed of the nature of the complaint against him/her and the form of resolution sought by the complainant.

5. The supervisor will attempt to ensure that an appropriate resolution occurs within a reasonable timeline.

6. The supervisor will notify the complainant of whether or not the planned resolution was carried out.

7. If the complaint is disputed, the initial complainant may ask that the formal process be initiated.

8. If the complainant is not satisfied with the information resolution, he/she may ask the supervisor or his/her advisor what alternate forms of resolution exist; or begin the formal complaint process.

9. The supervisor may determine that the alleged violation requires a formal complaint, and either the supervisor or his/her unit may act as complainant. In such cases, the supervisor should make this determination with regard to his/her responsibility to create and maintain a safe environment. He/she may also consult with the Office of Safe Disclosure and Human Rights.

B. Formal Resolution Process

1. The student may contact the Student OmbudService or other university support unit for guidance in writing a formal complaint.

2. The written copy of the complaint must be directed to the Intake Officer at the Office of Safe Disclosure and Human Rights.

3. The complaint should include the time, location, nature and a description of the event(s.)
4. The Intake Officer shall:
   a. determine the applicability of the Discrimination, Harassment and Duty to Accommodate Policy and, if the allegation were true, whether it would constitute a violation of this policy,
   b. determine if the complaint falls within the allowed time period (in exceptional cases the time limit may be waived)\(^1\), and
   c. review the written complaint to ensure it is documented properly, and assist the complainant to this end as appropriate.

5. When the Intake Officer has determined the complaint is complete as written, he/she will forward the complaint to the Provost or appropriate Vice President.

6. On receipt of the written complaint, the Provost or appropriate Vice President will send a copy to the named respondent. The respondent may submit a written statement in response to the complaint.

7. All written communication with the complainant and/or the respondent shall be sent by double registered mail to each party’s last known residential address as provided to the University and, when appropriate, by delivery to the party’s departmental address.

8. The Provost or appropriate Vice-President will meet, separately, with the complainant and his/her advisor and the respondent and his/her advisor to determine whether to go forward with the investigation.

9. The Provost or appropriate Vice President may decide to authorize an investigation, to not authorize an investigation or to refer the matter to mediation. The complainant and respondent shall be informed of this decision in writing.

10. If an investigation is authorized, the Provost or appropriate Vice President will designate an investigator.

11. The investigator will investigate the complaint and matters arising from and relating to the complaint (for example, retaliation). The investigator may meet with the complainant, the respondent or other individuals who may have relevant information. (The complainant and respondent have the right to bring an advisor to the meeting.)

12. Upon completion of the investigation, the investigator will submit a report to the Provost or appropriate Vice President. A copy of the report will also be sent to the complainant and to the respondent.

13. Within ten (10) working days of the date that the investigator's report was delivered, the complainant and the respondent may make written responses to the report, to be sent to the Provost or appropriate Vice President.

14. Upon review of the report and any written responses, the Provost or appropriate Vice President will determine if there has been a violation of the Discrimination, Harassment and Duty to Accommodate Policy.

\(^1\) A discrimination complaint must be submitted within one year after the alleged contravention occurs. A harassment complaint must be submitted within six months after the alleged conduct or comment occurs. The time period for filing such a complaint may be extended to one year after the alleged conduct or comment occurs, provided the complainant produces compelling evidence, including documentation, demonstrating that he/she was unable to file the complaint within six months (e.g. – medically unable to proceed, death in the immediate family, etc.)
15. If a violation of the policy is found to have occurred, the Provost or appropriate Vice President shall consult records of the staff member to determine if there have been previous violations of a similar nature. Only when considering the appropriate sanction may previous violations be taken into account.

16. The Provost or appropriate Vice President shall authorize appropriate remedy and may impose discipline.
   a. Options for remedy or discipline include but are not limited to:
      i. List to be provided by NASA and AASUA

17. The Provost or appropriate Vice President will inform the complainant, respondent, and respondent’s supervisor of the decision in writing.