

# Harassment Policy

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## Overview

The King's University is committed to Christian principles and therefore we expect our community to reflect the values of respect, mutual concern, and care for others. All of King's practices, institutional and individual, are expected to reflect this commitment. King's students, staff, and faculty members are expected to relate with each other in such a way as to ensure we all feel respected, valued, and are not subjected to any form of harassment or discrimination.

### What do you do if you experience harassment?

If you think you have experienced any form of harassment you have the following options:

- 1) If you feel comfortable doing so, confront the person who harassed you and ask the person to stop.
- 2) Write down what happened. Document the situation, even if you do not plan to report it or you are able to resolve it yourself.
- 3) Decide if you want to tell someone.
- 4) Tell someone you trust and/or a Lead Responder who can help you navigate this policy and your next steps.
- 5) Remember that you are in charge of how you wish to proceed.

### What do you do if someone tells you about harassment?

- 1) Listen to the disclosure. It is your job only to listen, not to decide the facts of the case.
- 2) Understand that the Complainant is in charge of their response.
- 3) Encourage the Complainant to speak to a Lead Responder and report the incident.
- 4) If the Complainant is hesitant to speak to a Lead Responder, offer to speak to a Lead Responder on his or her behalf.
- 5) If you are unsure how to proceed, seek out a Lead Responder and ask for support without breaking confidentiality.
- 6) Continue to support the individual, encourage the individual to read the policy to understand his or her rights, continue to encourage the person to report, and keep the disclosure confidential.

## Policy

The King's University strives to ensure that all members of the university community can flourish as image bearers of Christ. We strive to create an atmosphere where all persons feel respected and are able to work, study, and participate in University life in a way that preserves their dignity, respects their individuality, and honors their sense of self.

Therefore all members of the University community are expected to treat each other fairly and maintain an environment that is free of harassment, including sexual harassment (reference Sexual Violence Policy), abuse of authority, workplace violence, inappropriate physical contact and other offensive behaviors. The King's community has zero tolerance for acts of harassment, discrimination and any type of violence.

Because harassment is considered a very serious matter at King's, persons who commit such infractions are subject to disciplinary action. As well, any person acting in a supervisory capacity who knowingly permits harassing or discriminatory behavior to continue in the classroom or workplace, once he or she becomes aware of such behavior, will be subject to disciplinary action.

The King's University believes that it is everyone's responsibility to prevent all types of harassment and violence and holds every member responsible to conduct himself or herself in such a manner that does not cause harm to others.

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## Definitions

### **Alberta Human Rights Act**

Legislation that aims to protect individuals from discrimination by establishing grounds on which individuals cannot be discriminated against and setting out a Formal Report process for individuals experiencing discrimination based on those grounds.

### **Bystander**

An individual who is observing an incident of harassment.

### **Complainant**

The person who brings forward information that a violation of a policy may have occurred.

### **Disclosure**

When an individual shares information about a personal experience of harassment to someone who did not previously know.

### **First Responder**

The first person who is first told about an incident of harassment.

### **Formal Complaint**

A formal written statement to the institution by a Complainant seeking recourse pursuant to the violation of policy. The Formal Complaint can be made by a bystander, by the institution, or a witness to the harassment.

### **Harassment**

Acts, either intentional or unintentional, that cause harm to a member or members of the university community, creating an atmosphere of hostility, negativity, or intimidation, and/or offensive conditions that prevent any individual from realizing their fullest potential.

This harm can include but is not limited to:

- acts that are directed towards a person or members of an identifiable group based on a prohibited ground of discrimination. Prohibited grounds include the following: race, religious beliefs, color, gender, physical disability, mental disability, marital status, age, ancestry, place of origin, family status, source of income, and sexual orientation. (As defined by the Alberta Human Rights Commission).
- the act of excluding or withholding, or threatening to exclude or withhold, a right or privilege to which they would otherwise have been entitled. This may or may not be associated with blackmail or extortion.
- any unwelcome verbal or physical behavior that unreasonably interferes with work/learning or creates an intimidating, hostile or offensive work/learning environment. General harassment can include, but is not limited to, remarks, jokes, graffiti, social media/virtual posts or actions which demean or humiliate another person or groups of people, and which diminish individuals' rights to dignity and respect.
- bullying, hazing, intimidation or threats. Bullying and intimidation often involve a differential in power relationships and include repeated incidents or a pattern of behavior. They may also include one significant event that is intended to intimidate, offend, degrade or humiliate a particular person or group of people.

In some instances, multiple smaller incidents involving one or several respondents form a pattern, even though the Complainants are unaware of other complaints. These can be considered harassment at the discretion of the Lead Responder.

Harassment does not include disciplinary actions, coaching or other discussions that come from normal employment relationships or the running of a university campus.

Discretion is given to the Lead Responder to determine if an act outside of this policy constitutes harassment, as unique situations and circumstances can occur that have not been anticipated by the policy definitions.

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## **Harassment Resolution Committee**

A committee formed at the discretion of a Lead Responder. The committee members will act as advisors to the Lead Responder. The Lead Responder may delegate investigation or resolution responsibilities to the committee members as required. The Lead Responder will ensure that all committee members are aware of their responsibilities for confidentiality.

## **Informal Complaint**

A written complaint made to a Lead Responder where the Complainant does not wish to pursue any resolution.

## **Lead Responder**

The individual responsible to lead the appropriate process to resolve harassment complaints. The Lead Responder is designated based upon the jurisdiction of the complaint.

- The Vice-President Student Life and Dean of Students, or their delegate, is responsible for complaints involving and between students.
- The Director of Human Resources, or their delegate, is responsible for complaints involving employees and volunteers.
- The Vice President Finance and Operations is responsible for complaints involving other parties, such as campus visitors, contractors, board members, and those who rent space for meetings and conferences.
- Lead Responders may be substituted if the Complainant or Respondent has a conflict of interest or if the designated Lead Responder is not comfortable with or able to serve in this capacity. If the designated Lead Responder is unable to serve the President will appoint a different appropriate Lead Responder. If a Complainant has a conflict of interest with both the Director of Human Resources and the Vice-President Student Life and Dean of Students they may submit their Formal Report directly to the University President, who will subsequently appoint an appropriate Lead Responder.
- The Lead Responder may appoint a qualified delegate when appropriate. In instances where the Lead Responder is in a conflict of interest, they will recuse themselves from the proceedings and appoint a qualified designate or give the complaint to another Lead Responder. If any individual with a decision-making role in the complaint resolution process is a Complainant or Respondent or has competing interests or loyalties, he/she is considered to be in a conflict of interest and is restricted from any involvement in the decision-making process.

If the complaint crosses jurisdictions, the appropriate Lead Responders will co-lead the resolution process.

Lead Responders can confer with other Lead Responders with respect to process and procedure at any time; this is not considered a breach of confidentiality.

## **Members of the University Community**

Those persons involved in conducting University affairs including all registered University students, University employees, volunteers, contract workers, emeritus workers, guests, members of the Board of Governors and Senate, and employees of organizations representing the University while they are either on or using University property or participating in University programs and activities, on or off University premises.

## **Respondent**

The individual(s) who have been named as a person who committed an act of harassment.

## **Response Pathway**

The actions taken in any particular complaint. Potential response can include formal investigation, informal investigation/resolution, referral to another policy/procedure, determination that the complaint does not constitute harassment. The response pathway is determined at the discretion of the Lead Responder. Pathways can also be changed as the complaint evolves at the discretion of the Lead Responder.

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## Responsibilities and roles

### Members of the University Community

All persons affiliated with The King's University share the responsibility for the effectiveness of this Policy. As such, each individual is accountable for conducting themselves in the spirit of this Policy and in a manner that contributes toward a Christian community that is free from harassment. Human Resources requires that all employees, long term contractors, and volunteers have read and acknowledged this policy. Student Life will ensure that all students are aware of this policy.

All persons who are aware of a harassment complaint, or involved in its resolution, must recognize the seriousness of the situation and respect the sensitivity and confidentiality that must be accorded to the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not have a "need to know" in accordance with the Personal Information Protection Act. Every effort must be made to preserve the dignity and self-respect of the parties to the complaint except as necessary to investigate and to respond to any legal and/or administrative proceedings arising under this Policy.

### Lead Responders

Lead Responders are responsible to ensure areas under their jurisdiction (all students, employees and campus visitors) are aware of the policy and procedures, providing them with information and education on harassment, this policy, individual rights and responsibilities, and the procedures for handling complaints.

If both the Complainant and the Respondent are employees, the Lead Responder will be the Director of Human Resources or a trained designate of this office. If both the Complainant and the Respondent are students, the Lead Responder will be the Vice-President of Student Life and Dean of Students or a trained designate of this office. If the complaint involves both employees and students then both the Director of Human Resources and the Vice-President of Student Life and Dean of Students will co-lead the response. Lead Responders may be substituted if the Complainant or Respondent has a conflict of interest or if the designated Lead Responder is not comfortable with or able to serve in this capacity. If the designated Lead Responder is unable to serve the President will appoint a different appropriate Lead Responder. If a Complainant has a conflict of interest with both the Director of Human Resources and the Vice-President of Student Life and Dean of Students they may submit their Formal Report directly to the University President, who will subsequently appoint an appropriate Lead Responder.

Lead Responders will confer with each other to determine if a complaint is governed by the Harassment Policy or the Sexual Violence Policy. This is not considered a violation of confidentiality.

A Lead Responder will determine, based upon the complaint, whether to follow an informal resolution process or a formal resolution process, and reserve the right to change as additional information becomes available.

A Lead Responder will determine the response pathway for investigating any complaints, whether it is informal or formal, or investigated internally or externally.

A Lead Responder, at their discretion, can utilize a Harassment Resolution Committee of advisors who have been trained, are aware of the requirements of privacy and confidentiality, and who can take on responsibilities of the Lead Responder.

Lead Responders may also investigate suspected incidents of harassment without having received a complaint, essentially having the University act as the Complainant.

### Complaint

The King's University encourages persons affiliated with King's to come forward with any complaints. Reporting complaints helps the University ensure an environment free of harassment.

Complainants are encouraged to report all incidents of harassment to either Lead Responder, whether they have experienced the incident themselves or they have become aware of or have witnessed incidents against others.

A disclosure of harassment may be made to anyone at The King's University. Disclosing these types of issues can be very difficult, therefore the Complainant always has the right to decide to just disclose, or to bring their disclosure forward through more official channels. The First Responder should however encourage the Complainant to speak with a Lead

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Responder. The First Responder should seek advice from a Lead Responder on guiding the Complainant to next steps. The name of the individual and the situation should at this point remain confidential until there is clear consent from the Complainant to proceed.

Complainants can choose several options when considering whether or not to report.

- 1) A Complainant can speak informally to either a Lead Responder or member of a Harassment Resolution Committee to seek out more information on the process, the policy, or to seek advice or additional resources.
- 2) The Complainant can issue a written informal complaint. This makes the institution aware that there is an issue or potential issue but does not trigger any type of formal process. The complaint should be in writing and will be filed. It will only be acted upon if another complaint is received or if the Complainant wished to pursue some resolution in the future.
- 3) A Complainant can issue a written Formal Report which will result in the Lead Responder taking action on the complaint.

## Respondent

The Respondent has the right to be perceived only as responding to a complaint. There should be no presumption of guilt or innocence. As such a Respondent will be treated with dignity and respect. Only measures will be imposed that are deemed necessary to protect the Complainant(s) or the University. It is expected that the Respondent will participate in any procedure or investigation. If the Respondent chooses not to participate, the investigation or informal process will proceed without their participation. Not participating will not prevent consequences.

## Response

The King's University acknowledges that harassment can occur in many forms and among many groups. To ensure that those individuals who have experienced harassment are afforded the best possible outcome, all formal harassment complaints will be referred to lead harassment responders as defined above.

The Lead Responder, in consultation with other Lead Responders or with their designated Harassment Resolution Committee, will determine if the complaint constitutes harassment. If the complaint is not deemed to be harassment it will be turned over to an appropriate area for resolution, likely to Student Life, Human Resources, or the appropriate Vice President.

If the Complaint is deemed to be harassment the Lead Responder will consider if the situation can first be resolved informally through a process of restitution, education or reconciliation. In keeping with our Christian commitment to redemption and forgiveness through Christ, our hope is to restore trust and selfless, mutual concern when these norms are violated. King's is committed to facilitating that healing process. In the spirit of reconciliation, whenever possible the Lead Responders will consider reconciliation, restorative justice, or education based outcomes before punitive based outcomes.

The Informal Complaint Process is intended to provide a mechanism through which an individual is able to discuss a claim of harassment in an open, honest and non-threatening manner with the person who is offending him/her. The hope is that, through early mediation, the offender can make amends to the victim, and that the behavior causing the problem ceases. If the situation does not lend itself to an informal process the Lead Responder will initiate a formal investigation.

At any time Lead Responders can impose interim measures to keep Complainants safe from further harm and/or to ensure a fair process for all individuals involved. They may also be required to protect the campus generally against any threat of internal or external physical violence resulting from matters being handled under these procedures. In situations where it is possible for events to escalate the Lead Responder will make the President aware of the situation and of the recommended interim measures.

The Lead Responder is responsible to determine the appropriate disciplinary measures and as such has latitude in determining outcomes up to and including termination without cause, permanent removal from campus, and/or disciplinary dismissal from King's. The Lead Responder, in consultation with the Complainant(s) if appropriate, may also notify legal authorities.

Lead Responders also have the option of establishing a response committee, appointing investigators either internally or externally, and/or referring the incident for resolution under the Sexual Violence Policy or other appropriate policy

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In the unlikely event that Respondents are in non-compliance with restorative measures the Lead Responder will respond with elevated punitive outcomes. This will not require a new investigation.

## **Jurisdiction**

This policy applies to all Members of The King's University Community. This includes but is not limited to students, employees, contractors, volunteers, Board members, guests, and the general public using The King's University premises.

It extends to situations of harassment which occur at or away from the King's campus provided that such situations have a negative effect on the relationships, effectiveness or safety and well-being of the person.

It also extends to social media and other virtual environments that are in any way affiliated with The King's University.

## **Confidentiality**

The University makes every effort to ensure that any complaint made pursuant to this policy is kept in confidence except as necessary to investigate and to respond to any legal and/or administrative proceedings arising under this policy or otherwise. Respect for confidentiality applies to both the Complainant and the Respondent. Where there is a reasonable assessment of risk to other students, faculty, staff or visitors, disclosure is made to the extent necessary to remedy the situation. All parties involved in any procedure, including investigators, responders, witnesses, Complainant, and Respondent, will be made aware of their responsibilities to keep the circumstances confidential.

## **Malicious complaints**

Malicious complaints are not tolerated. Where, as a result of an investigation, it is determined that a person affiliated with King's has made a complaint in bad faith or with the intent to harm another, King's may take formal disciplinary action against that Complainant.

## **Retaliation**

King's considers retaliation or the threat of retaliation at any stage to be a serious offence because it prevents potential complainants, witnesses and administrators from acting on their concerns. Regardless of the outcome of a harassment complaint made in good faith, the person lodging the complaint, as well as anyone providing information, is protected from any form of retaliation. Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, is considered guilty of harassment or abuse of authority and subject to disciplinary sanctions.

## **Appeals**

- a. Appeals of fact, process or corrective/disciplinary sanctions may be submitted to the Lead Responder within five working days of the original decision being communicated to the Complainant and the Respondent. All appeals must be made in writing and must specify all grounds or reasons for the appeal. Evidence to support the appeal must also be included.
- b. Within fifteen working days of receipt of the appeal, the appropriate Vice-President or the President (determined by the seriousness of the issue or involvement of the Vice President in the investigation) must review and render a decision on the appeal and advise the parties in writing with copies to the Lead Responder, the Complainant and the Respondent. This decision shall be considered final and shall not come under appeal to King's administration at any time in the future.
- c. Corrective and/or disciplinary decisions are not implemented until after the appeal decision is rendered. Interim measures imposed by the Lead Responder will remain in effect until a final decision on the appeal is rendered. The Lead Responder can make exceptions to this at their discretion in conjunction with the individual deciding the appeal.

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## Relevant Policy Dates

Approved: 11 September 2018  
Effective: 11 September 2018  
Review Frequency: 5

## Modification History

2011. April	Requirement of Insurance Policy to have a Harassment Policy and have employees sign that they have reviewed and understand said policy.
2012. January to May	Review of draft by Staff, Faculty and Students' Association for feedback.
2012. June to July	Review of draft by Coordinating Council, Senate, Board of Governors and legal counsel for feedback. Effective: September, 2012
2018. September 11	This Policy replaces the existing Harassment Policy (dated September, 2012) and includes a separate document entitled Harassment Procedures

## Accountability

Office of Accountability:	Administration and Finance
Office of Administrative Responsibility:	Human Resources
Approved by:	President's Council

## Authority and Sources of Info:

Alberta Human Rights  
Alberta Occupational Health and Safety