

# Personal Harassment Policy

## ***Policy Statement***

Dalhousie University is committed to providing employees with a work environment that is free of personal harassment. All members of the University community share responsibility for establishing and maintaining a climate of respect and for taking appropriate steps to address situations which violate this principle or seek advice.

The purpose of this policy is to define personal harassment and to set out clear procedures to be followed in instances where an employee believes personal harassment has occurred.

This policy is administered by the Advisor, Harassment Prevention/Conflict Management who is located in the Office of Human Rights, Equity and Harassment Prevention. The Advisor acts as a resource for both the complainant and respondent, as well as the Administrative Head.

## ***Definitions***

**“Personal Harassment”** is abusive, unfair, or demeaning treatment of a person or group of persons that is known or ought reasonably to be known to be unwelcome and unwanted when:

- a) such treatment abuses the power one person holds over another by virtue of their employment relationship or misuses authority associated with their position of employment, or
- b) such treatment has the effect of seriously threatening or intimidating a person, and such treatment has the effect of unreasonably interfering with a person’s or a group of persons’ employment or performance, or
- c) such treatment has the effect of creating an intimidating, hostile or offensive work environment.

Conduct considered above means either repeated or persistent patterns of behaviour, direct or indirect, that when taken together constitute personal harassment; or a single act of sufficient severity to constitute personal harassment in its own right. Such conduct may occur within or outside of the workplace.

Examples of personal harassment include, but are not limited to, name calling, insults, inappropriate jokes, threats, shouting, derogatory remarks (including messages that are threatening, derisive, or defamatory), spreading malicious rumours, persistent criticism and exclusion.

Personal harassment does not include appropriate managerial direction, delegation, performance management or attendance management.

In this policy, the “**Administrative Head**” is defined as follows:

- a) For an employee who occupies a staff position, the Administrative Head is the Dean of the Faculty, or the administrative Director or equivalent of the unit in which the employee works.
- b) For an employee who is a faculty member, the Administrative Head is the Dean of that Faculty;
- c) For a Director, or equivalent, of an administrative or other non-teaching unit, the Administrative Head is the Vice President responsible for that unit;
- d) For a Chair, Head or academic Director the Administrative Head is the Dean of that Faculty;
- e) For a Dean, the Administrative Head is the Vice President, Academic & Provost
- f) For an Assistant or Associate Vice-President, the Administrative Head is the Vice-President to whom they report or the President as appropriate;
- g) For a Vice-President, the Administrative Head is the President;
- h) For the President, the Administrative Head is the Chair of the Board of Governors.

**Note:** Complaints against an Administrative Head shall be investigated by the administrator to whom they report.

“**Employees**” for the purposes of this policy includes University employees and individuals who hold a University academic appointment.

### ***Application***

This policy applies to all Employees. Dalhousie University has a separate policy on sexual harassment. Complaints of sexual harassment should be addressed to the Advisor, Harassment Prevention/Conflict Management in accordance with the provisions of the University’s Sexual Harassment Policy. Harassment based on any of the characteristics protected by the Nova Scotia Human Rights Act is considered a form of discrimination and should be addressed to the Advisor, Human Rights and Equity in accordance with Dalhousie’s “Statement on Prohibited Discrimination”.

### ***Procedures for Complaints of Personal Harassment:***

An employee who feels that he/she has been personally harassed is encouraged to take any or all of the following actions which are described in more detail below:

- (i) Informal Resolution
- (ii) Formal Complaint Process

Employees should resolve conflicts through Informal Resolution before proceeding to the Formal Complaint Process.

### **(i) Informal Resolution**

Informal resolution may include a range of options such as:

- a) Communicate concerns directly – advise the other party that her/his behaviour is unwelcome and unwanted, and that the behaviour must stop immediately;
- b) Communicate concerns in writing to the other party – describe the offending behaviour, the impact of the behaviour, and request that the behaviour stop immediately;
- c) Contact the Supervisor or Manager, Department Head or Chair to address issues.
- d) Work with the Advisor, Harassment Prevention/Conflict Management, to develop strategies to address concerns.
- e) Informal mediation - pursue, through the Supervisor/Manager, Department Head/Chair, or Advisor, the setting up of informal mediation or the use of neutral intervenors who will attempt to bring the parties to a mutual resolution of the matter.
- f) An agreement to participate in counseling and/or coaching for one or both parties.

### **(ii) Formal Complaint Process**

The Administrative Head will ensure that reasonable attempts at informal resolution have been explored prior to implementing the formal complaint process.

The procedures for a formal complaint process are as follows:

- a) To initiate a formal complaint, the employee (complainant) must deliver a written statement of complaint to his/her Administrative Head or to the Advisor, Harassment Prevention/Conflict Management. The statement of complaint must include the names of the individuals concerned and a detailed description of the alleged behavior or conduct that forms the basis of the complaint.
- b) If the complaint makes allegations against an employee(s) from a unit(s) other than where the complainant works, the Administrative Head who receives the complaint shall consult with the Office of Human Rights, Equity and Harassment Prevention to determine the appropriate Administrative Head to handle the matter.
- c) The Administrative Head shall report complaints to the Office of Human Rights, Equity and Harassment Prevention.

- d) The formal complaint process will be initiated following a determination by the Administrative Head and/or the Advisor, Harassment Prevention/Conflict Management, whether the allegations:
  - i. fall within the Personal Harassment Policy;
  - ii. could result in a finding of harassment if proven true;
  - iii. are not being heard, or have not already been heard through another University process;
- e) Within five (5) working days following a determination to proceed, the Administrative Head shall deliver a copy of the statement of complaint and a copy of this policy to the employee(s) against whom the allegations were made (respondent(s)). The respondent(s) shall then have ten (10) working days to respond in writing. The time limits may be extended by the Administrative Head where circumstances warrant, having regard to the severity of the allegation(s).
- f) The Administrative Head shall appoint an investigator to investigate the matter on his/her behalf, in consultation with the Advisor.
- g) The purpose of the investigation is to provide information to the responsible Administrative Head charged with making sound institutional decisions about issues arising under the Personal Harassment Policy.
- h) The Investigator shall investigate the complaint, notify and consult with the Advisor, Office of Human Rights, Equity and Harassment Prevention, as required.
- i) The Investigator shall submit a report to the Administrative Head providing an opinion on the facts of the case and whether there has been a violation of the Personal Harassment Policy. A copy will be provided to the Office of Human Rights, Equity and Harassment Prevention.
- j) The Administrative Head shall advise the complainant and respondent(s) to the complaint in writing of his/her finding and whether corrective action, including disciplinary action, is deemed to be appropriate in the circumstances. A copy will be provided to the Office of Human Rights, Equity and Harassment Prevention. Disciplinary proceedings taken against any person under this policy shall be taken in accordance with existing applicable collective agreements or other applicable disciplinary processes for employees.

### ***Confidentiality***

Any communication or information gathered in any case is confidential except to the extent that disclosure is necessary to effectively implement this policy or to undertake any disciplinary or remedial steps arising from a complaint made under this policy.

### ***False Accusations***

A complaint made in bad faith shall constitute grounds for disciplinary action against the complainant, which shall be commenced in accordance with existing collective

agreements or other applicable disciplinary processes. A bad faith complaint is a complaint that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.

### ***Retaliation***

There shall be no retaliation against any person on account of a complaint or an expressed intention to complain under this Policy or on account of evidence or assistance given with respect to a complaint or a proposed complaint under this Policy. Such retaliation shall be grounds for a complaint under this Policy.

### ***Limitations***

A complaint must be filed within twelve months of the last alleged instance of the action or conduct. An additional period of not more than twelve months may be granted in exceptional circumstances by the Office of Human Rights, Equity and Harassment Prevention.

### ***Other Proceedings***

This Policy does not affect the right of the complainant or other parties from pursuing a complaint under any applicable legislation or from filing a grievance in accordance with any right to do so pursuant to a provision of an applicable collective agreement.

If the Administrative Head perceives an immediate threat to the physical safety of the complainant or any other member of the University community s/he shall contact Security Services.

Conflicts in the workplace involving criminal behaviour, physical violence or situations where an employee's personal safety and security is in danger must be reported immediately to Security Services at extension 4109, who will communicate with the Halifax Regional Police, where appropriate (See Emergency Procedures on back of Dalhousie University Telecommunications Directory). This policy does not replace this obligation.