
Acadia University's Policy Against Harassment and Discrimination

20 January 2007

Acknowledgements

John Smith, Equity Officer, chaired the Policy Review Committee comprised of the following appointed representatives:

Paula Cook MacKinnon

University Administration, Vice-President Student Affairs

Janet Kirk

Acadia University Board of Governors

David Schultz

Acadia University Professional, Administrative and Technical Staff

Sonia Thon

Acadia University Faculty Association

Kim Vaughan

Service Employees International Union Local 902 – Acadia Campus

Ben Whynot

Acadia University Students' Union

Table of Contents	Pages
DISCRIMINATION AND HARASSMENT POLICY	1
Introduction	1
Purpose of the Policy	2
Definitions and Terms of Reference	3
Access to Procedures to Resolve Complaints	6
Complaint Resolution Procedures	7
General Provisions	7
Informal Resolution.....	8
<i>Mediation</i>	8
<i>Formal Complaint Procedure</i>	8
<i>Investigation Procedure</i>	10
<i>Decision</i>	11
<i>Sanctions/Remedial Action</i>	11
<i>Appeal</i>	12
General Provisions	13
<i>Obstructing the Process</i>	13
<i>Right of Parties to Support and Assistance</i>	13
<i>Retaliation</i>	13
<i>Vexatious Complaint</i>	14
<i>Confidentiality</i>	14
<i>Record Keeping</i>	15
<i>Consensual Relationships</i>	15
Policy Review	15

DISCRIMINATION AND HARASSMENT POLICY

A Introduction

- A.1 The mission of Acadia University is to provide a personalized and rigorous liberal education; promote a robust and respectful scholarly community; and inspire a diversity of students to become critical thinkers, lifelong learners, engaged citizens, and responsible global leaders. The University therefore does not condone discrimination, sexual harassment, or personal harassment. Indeed, the University regards discrimination, sexual harassment, and personal harassment as serious offenses that are subject to a wide range of disciplinary measures, including dismissal or expulsion from the University.
- A.2 The fundamental objectives of this University policy are to prevent discrimination, sexual harassment, and personal harassment from occurring, and to provide procedures for handling complaints and imposing discipline when they do occur. These objectives are to be achieved in a number of ways. The University is committed to providing and promoting programs that raise campus awareness of the nature of, and problems associated with, discrimination, sexual harassment, and personal harassment and to educating those in positions of responsibility, specifically but not limited to those listed in C.1. and C.2, in the objectives and implementation of the policy. The University also provides support and counselling for those affected by discrimination, sexual harassment, and personal harassment.
- A.3 The University will ensure that the Equity Officer is adequately trained in matters related to the roles and responsibilities of the position and is encouraged to remain current through continued professional development.
- A.4 The University has the obligation to ensure that its policy and procedures are fair and are applied equitably. It is therefore necessary to provide an environment in which complainants of discrimination, sexual harassment, or personal harassment feel free to bring complaints forward. It is equally important that those against whom complaints are made have an opportunity to respond to those complaints.
- A.5 Nothing in this policy shall be construed to remove any rights that members of the University community have independently of this policy. Neither does the policy remove any rights to take action against the University or members of the University community in other processes within or outside of the University.
- A.6 The University, through the Equity Officer, will take reasonable steps to protect the health, safety, and security of any member of the University community in relation to this policy.

B Purpose of the Policy

- B.1 The purpose of this policy is to provide and maintain a learning and work environment free from discrimination, sexual harassment, and personal harassment. Personal harassment, sexual harassment, and discrimination are demeaning and degrading behaviours. These can affect an individual's self-esteem and can have a negative impact on performance at work or in class. These can make an individual feel angry, powerless, and fearful.
- B.2 All members of the University community have the right to learn and work in an environment free from discrimination, sexual harassment, and personal harassment. The University and **all** members of the University community, including the Board of Governors and Senate, share responsibility for ensuring that the work and learning environment at Acadia is free from discrimination, sexual harassment, and personal harassment. Specifically, Senior Administrative Officers bear a primary responsibility for maintaining a learning and work environment free from discrimination, sexual harassment, and personal harassment. Unit Heads shall act to maintain a learning and work environment free from discrimination, sexual harassment, and personal harassment, whether or not they are in receipt of individual complaints.
- B.3 Neither this policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right to engage in the frank discussion of potentially controversial matters including, but not limited to, age, race, politics, religion, sex, and sexual orientation. These are legitimate topics and no University policy should have the effect of limiting discussion of them or of prohibiting instructional techniques, such as the use of irony, the use of conjecture and refutation, or the assignment of readings that advocate controversial positions, provided that such discussion and instruction are conducted in a mutually respectful and non-coercive manner.
- B.4 Neither this policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right of those in supervisory roles to manage and discipline employees and students subject to mutually respectful managerial and instructional practices.

C Definitions and Terms of Reference

- C.1 For the purposes of this policy, **Acadia University Senior Administrative Officers** presently includes the University President, Vice-President (Academic), Chief Financial Officer, Vice-President Student Affairs, Vice-President Alumni and Development, Director of Human Resources, Executive Director for Campus Planning and Senior Director Communications and Public Affairs. **Acadia Student Senior Administrative Officers** include members of the ASU (Acadia Students' Union) Executive.
- C.2 **Unit Heads** include Deans, Directors of Schools, Heads of Departments, and Directors, Coordinators or Managers of Administrative Units, University Librarian, and the ASU General Manager.
- C.3 For the purpose of this policy the Department of Human Resources is the definitive source for determining what constitutes an **employee**.
- C.4 A **Student** means any person who is registered in a credit course approved by the Senate of Acadia University.
- C.5 **Contractor** includes person or persons, not otherwise defined as an employee or student, who is contracted by the University to provide goods or services to the University.
- C.6 Personal harassment, sexual harassment, and discrimination consist of conduct, which interferes with an individual's work, professional or academic performance, productivity, physical security, participation in on-campus living arrangements, extracurricular activities, academic or career opportunities, or services and benefits. In addition to its impact on the individual, these behaviours have the potential to create a negative psychological and emotional working and learning environment.
- C.7 All judgments required by the policy are subject to the **test of a reasonable person**. The reasonable person test provides that a reasonable person in roughly the same position as the complainant would judge harassment or discrimination to have occurred as a result of a behaviour or pattern of behaviour.
- C.8 **Discrimination** and **Sexual Harassment** in this policy means discrimination and sexual harassment that is contrary to the Human Rights Act, R.S. 1989, c.214 of Nova Scotia, including any amendments thereto that may be made from time to time.
- C.9 The Nova Scotia Human Rights Act defines **discrimination** for the purposes of the Act as follows:
- A person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5, that has the effect of imposing burdens, obligations, or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.

- C.10 At this printing the prohibited grounds of that Act are as follows: age, race, colour, religion, creed, sex, sexual orientation, physical or mental disability, an irrational fear of contracting an illness or disease, ethnic, national or aboriginal origin, family status, marital status, source of income, and political belief, affiliation or activity. In addition, discrimination of an individual based on that individual's association with members of any of the listed categories is also prohibited
- C.11 The Nova Scotia Human Rights Act defines sexual harassment for the purpose of that Act as follows:
- vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome;
 - a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
 - reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.
- C.12 **Sexual harassment** may take many forms. Sexual assault, sexual misconduct, or requests for sexual favours constitute sexual harassment. However, sexually harassing behaviours may also consist of unwanted physical contact, visual displays of degrading sexual images, sexually suggestive conduct, or offensive remarks of a sexual nature.
- C.13 The terms **complainant** and **respondent** for the purpose of this policy may refer to one or more individuals.
- C.14 In this policy, **personal harassment** refers to conduct of an abusive nature, directed toward a specific person(s), that detrimentally affects the work or learning environment or leads to adverse job or academic-related consequences for the complainant and which the respondent knew or should have known was unwelcome.
- C.15 **Personal harassment** can include but is not limited to physical or verbal behaviour. It includes pushing, slapping or other forms of physical assault. It encompasses communication that is perceived to be inappropriate, harsh or condemning. This may include yelling, bullying, ridicule, hazing, use of derogatory names, and threats.
- C.16 **Hazing** is a term applied to unacceptable initiation practices. It is defined as ritualistic harassment, abuse, humiliation or the incitement of fear and may include requirements to perform meaningless tasks. In this policy, 'hazing' is understood to be a form of personal harassment.
- C.17 Discrimination, sexual harassment, and personal harassment can occur between individuals of the same or different status. Anyone can be the subject of discrimination, sexual harassment, and personal harassment. It can involve individuals or groups.
- C.18 Discrimination, sexual harassment, and personal harassment can occur during one incident, or over a series of incidents including single incidents, which, in isolation, would not necessarily constitute discrimination, sexual harassment, or personal harassment. This can occur on or off campus and at any time, provided it is an extension of the workplace or the learning environment.

- C.19 The fact that someone did not intend to harass or discriminate is no defense to a complaint. Regardless of intent, it is the effect and characteristics of the behaviour that determine whether the behaviour constitutes discrimination, sexual harassment or personal harassment.
- C.20 The University's organizational structure creates levels of authority amongst and between faculty, staff, and students. Those holding positions of authority shall not abuse the power with which they are entrusted. Such positions of authority include, but are not limited to: an academic advisor, a coach, a counsellor, a director, an instructor/professor, a teaching assistant, a research head, a residence staff member, a thesis advisor, a tutor, and a unit head.
- C.21 For the purpose of this policy, a **file** means the faculty or staff official file as defined by Acadia University and/or relevant collective agreements. In the case of students it means the non-academic judicial file.
- C.22 **Visitor** is someone, not a student, staff or faculty member of the university as defined by this policy, who visits Acadia University property. This could include: members of the local community attending events held on campus, those making use of recreational facilities on campus, guests of students, staff and faculty, guests of Conference Services staying in residence accommodation, and contractors or other persons working on University premises but not employed by Acadia University.

D Access to Procedures to Resolve Complaints

- D.1 A complaint of discrimination, sexual harassment, or personal harassment pertaining to University work, studies, or participation in campus life may be lodged with the Equity Officer, by any member of the University campus community against another member of the University campus community and/or the University.
- D.2 A complaint may be lodged with the Equity Officer even when there has been apparent consent by the complainant to the conduct or comment in question.
- D.3 Where appropriate, the Equity Officer shall direct individuals to seek recourse through their collective agreements. In a case involving students, the Equity Officer may direct individuals to the University Non-Academic Judicial system for resolution. For ASU part-time and full-time staff, including honoraria positions, ASU procedures apply to complaints relating to the ASU workplace.
- D.4 Contractors (including employers of co-op students), their employees and agents, and visitors to the University are also expected to conduct themselves in any University-related activity in a manner consistent with this policy. Contractors will be provided with a copy of the policy prior to signing a contract. Members of the University community bear the responsibility of informing invited guests of the policy and to provide access to a copy of the policy. Allegations of discrimination, sexual harassment, or personal harassment against such persons will be dealt with by the University as potential breaches of contract, and may result in suspension of University privileges, such as access to the campus.
- D.5 Contractors (including employers of co-op students), their employees and agents, and visitors to the University who experience discrimination, sexual harassment, or personal harassment may access the procedures of this policy. Such individuals are encouraged to consult with the Equity Officer.

E Complaint Resolution Procedures

E.1 General Provisions

- E.1.1 It is possible for anyone to seek, anonymously, the advice and assistance of the Equity Officer. Only those complaints in which the complainant's identity is disclosed to the respondent may be taken through the mediation and formal complaint procedures.
- E.1.2 Complainants are encouraged to report their concerns to the Equity Officer as soon as possible after the alleged conduct. Only those complaints lodged within one (1) year of an incident are processed through the formal complaint procedure. In exceptional circumstances the Equity Officer may waive any procedural time limit imposed in this policy.
- E.1.3 Acadia University and Acadia Student Senior Administrative Officers or Unit Heads may also lodge complaints with the Equity Officer to resolve allegations of personal harassment, sexual harassment, and/or discrimination. Under these circumstances, s/he surrenders any rights or responsibilities assigned to administrators in this Policy.
- E.1.4 In the case of conflict of interest, the Equity Officer will abstain from involvement in a complaint procedure on the grounds of either personal relationship with either respondent or complainant, actual or reasonable apprehension of bias or conflict outside of the role of Equity Officer. If the respondent or complainant perceives a conflict of interest on the part of the Equity Officer, this shall be made known, in writing, to the Equity Officer. The Equity Officer shall respond in writing as to the decision on that issue.
- E.1.5 In the event it is determined that a conflict of interest exists the Equity Officer shall provide a list of appropriate professionals as alternatives to act in place of the Equity Officer, one of whom will be selected by the parties to so act. Upon agreement by the parties the professional named by them shall be appointed to act. The appointment of the professional agreed upon shall be made by the Senior Administrative Officer with authority to render a decision as contemplated in E.5, or the President, if that Senior Administrative Officer has a conflict of interest. In the event that parties cannot agree on the name of a professional from that list to act, then the Senior Administrative Officer, or the President (as in the previous sentence), shall appoint a professional from that list, or without regard to that list, to act.
- E.1.6 A third party can initiate the procedures in this policy, by contacting the Equity Officer, if the conduct of others in the learning or work environment has the purpose or effect of interfering with the third party's welfare, academic, or work performance.
- E.1.7 Complaints under this policy can be resolved by employing any or all of the following procedures: (1) informal resolution, (2) mediation, and (3) formal complaint. The Equity Officer will advise the complainant in choosing the most appropriate option.

E.2 *Informal Resolution*

- E.2.1 Informal resolutions are optional and the complainant can choose to bypass them, discontinue them, or initiate a formal complaint procedure while pursuing an informal resolution. The purpose of dealing with a complaint informally is to stop the offending behaviour and to resolve the matter as quickly as possible. Every effort will be made to seek informal resolution within twenty (20) working days of the initiation of the complaint, or in the case of students, before the end of the term if less than one (1) month away.
- E.2.2 Informal Resolution can take two (2) main forms. The complainant may prefer to deal with the problem personally and in this case the Equity Officer can offer advice on different ways to handle the situation. Secondly, the Equity Officer and/or the Unit Head in may clarify and explore possible informal resolutions of the complaint. Examples of informal resolutions may include a letter to the respondent, clarification of university policy, and an information meeting between the Equity Officer, the complainant, and the respondent.
- E.2.3 Informal resolution can occur without the knowledge of anyone other than the complainant and the Equity Officer. However, informal resolution of a complaint that adversely affects the academic, employment, professional, or other interests of the respondent shall not proceed without the respondent being advised in writing.

E.3 *Mediation*

- E.3.1 Any time after a complaint has been received and the complainant wishes to proceed through mediation the respondent shall be informed of the nature of the complaint and the options, including mediation. The Parties will be advised that the mediation process is “without prejudice”, confidential, and cannot be used in any other proceeding.
- E.3.2 The Equity Officer in consultation with the respondent and the complainant selects a mediator. Appointed mediators and the format of the mediation process must be acceptable to both the complainant and the respondent. Mediation should begin within two (2) weeks of the selection of the mediator.
- E.3.3 The complainant and the respondent are entitled to have a support person present during the mediation. The Equity Officer will not act in any capacity in the mediation.
- E.3.4 A copy of any agreement reached during mediation is provided to each of the parties and to the mediator who will report to the Equity Officer that the mediation has been concluded. Records of the mediation will not be entered into a staff, faculty or student file.
- E.3.5 If mediation fails to arrive at a mutually acceptable solution, either party may decide to pursue a formal complaint procedure.

E.4 *Formal Complaint Procedure*

- E.4.1 If at any time after the complaint has been made the complainant wishes to have the complaint investigated and decided, the complainant has the right to submit a written

request with the Equity Officer. This request must include detailed accounts of the alleged conduct on the part of the respondent that forms the basis of the complaint.

- E.4.2 Under the rules of procedural fairness individuals affected by a complaint will be notified by the Equity Officer immediately of the case against them.
- E.4.3 Once a formal complaint has been submitted, each successive step will be carried out within ten (10) working days until the complaint is resolved.
- E.4.4 Upon receiving a written request under the formal complaint procedures, the Equity Officer shall review such request and, where considered appropriate by the Equity Officer, may ask the complainant to clarify the request or provide additional details in the request or provide a more summarized version of the request. The Equity Officer shall determine whether the alleged conduct on which the complaint is based falls within the definition of personal harassment, sexual harassment, and/or discrimination as defined in this policy.
- E.4.5 If the Equity Officer finds sufficient grounds to proceed under the policy, the Equity Officer will deliver a copy of the complainant's account of the alleged conduct to the respondent. If the Equity Officer determines that there are not sufficient grounds to proceed under the policy, the Equity Officer will communicate this determination, in writing, to the complainant.
- E.4.6 The Equity Officer will notify the respective Unit Head and Senior Administrative Officer for the complainant and the respondent of the request for a formal complaint resolution. This notification will be given in complete confidence with the understanding that the Unit Head and the Senior Administrative Officer could discuss this matter with only the Equity Officer, complainant or respondent.
- E.4.7 The respondent has the right to respond to the complaint in writing to the Equity Officer, within a reasonable amount of time but no later than ten (10) working days from the date of the receipt of the written complaint. The Respondent has four (4) options for his/her response:
- (1). acknowledge or deny the validity of the complaint in whole or in part,
 - (2). provide new information,
 - (3). propose a resolution of the complaint, or
 - (4). choose not to respond to the complaint. If the respondent does not submit a response, the investigation and decision process will still proceed.
- E.4.8 The Equity Officer shall deliver a copy of that reply to the complainant. On receipt of the respondent's written reply, the complainant has three (3) options. The complainant may:
- (1). accept the reply as full resolution of the complaint,
 - (2). propose a counter-resolution to be presented back to the respondent, or
 - (3). choose to proceed with investigation and/or decision. The Equity Officer will then proceed in accordance with this policy.
- The complainant has ten (10) working days in which to decide the option and report this decision to the Equity Officer.
- E.4.9 At any time, the complainant may choose to withdraw from these complaint proceedings. Should this occur the respondent may request an investigation and

decision. The request will explain why the respondent seeks an investigation. Nevertheless, the University's legal responsibility to provide an environment free from, discrimination, sexual harassment and personal harassment may require the University to proceed in the absence of such complaint from the persons directly affected. In such cases, the complainant's Senior Administrative Officer and the Equity Officer decide whether to proceed, taking into account the need for protection of the complainant and witnesses against retaliation and the need for due process on the part of the respondent.

- E.4.10 At any time, any party to the formal complaint may submit a written objection to any aspect of the process. All written objections will be maintained as part of the official file.

E.5 Investigation Procedure

- E.5.1 The Investigator will apply appropriate procedures and practices to investigate and conduct interviews properly and confidentially, within the framework of "procedural fairness". This includes each party's right to know, understand, and respond to allegations and information gathered as part of the investigation.
- E.5.2 The Investigator will provide an opportunity to both the complainant and the respondent to provide verbal and/or written information related to the alleged conduct.
- E.5.3 If more than one complaint has been lodged against the respondent, the complaints may be investigated concurrently. With the consent of the complainants the complaints in such a situation may also be investigated as one complaint. Without the consent of the complainants the investigations may be conducted concurrently but shall be conducted in confidence from the other complainants. Overlapping complaints surrounding a single incident may result in a single report.
- E.5.4 The Equity Officer will conduct the investigation of complaints unless there is a conflict of interest, as defined in Section E.1.4.
- E.5.5 Within forty (40) working days of the start of the investigation, copies of the Investigator's final report will be submitted to complainant, the respondent and the Senior Administrative Officer with authority to render a decision.
- E.5.6 The Investigator's final report of the investigation will contain the following:
- a summary statement about the background of the case;
 - a summary description of the complainant's allegations and respondent's response;
 - a summary of the statements provided by the witnesses and the respondent;
 - any pertinent documentation;
 - a discussion of the allegations as related to the evidence gathered;
 - a determination as to whether or not the allegations have been proven;
 - if the allegations are proven, a determination as to whether there were mitigating or aggravating circumstances affecting either party; and
 - recommendations for remedial action or sanctions.

E.6 Decision

- E.6.1 The final disposition of the complaint will be determined by the Senior Administrative Officer with authority to receive the Investigator's report for students, staff and faculty.
- E.6.2 The Senior Administrator shall respond to the report within ten (10) working days. The response, to be distributed to the Equity Officer, the complainant, the respondent, and the respondent's Unit Head, shall include any disciplinary and remedial measures deemed necessary and shall inform those involved of the right to appeal as per E.8. The written response, with the investigative report, will become part of the respondent's file.
- E.6.3 Regardless of the outcome of the case, the complainant or the respondent may request measures to be taken to correct damage done to her or his career development, academic record, physical or emotional health, reputation, or finances. Arrangements are to be negotiated with the appropriate Senior Administrative Officer.

E.7 Sanctions/Remedial Action

- E.7.1 The Senior Administrative Officer will impose the appropriate sanction(s) and/or remedial action(s) subject to any agreements between the Board of Governors and students, staff and faculty of Acadia University. The purpose will be:
- a. to end the personal harassment, sexual harassment, and/or discrimination,
 - b. to educate the respondent,
 - c. to prevent reoccurrence of the behaviour, and
 - d. to remedy any damage done.
- E.7.2 Sanctions and remedial action will be applied after an admission and decision, or after an investigation and decision.
- E.7.3 Considerations in determining recommendations for action may include, but are not limited to, work history, academic history, previous discipline, past formal decisions, respondent's acknowledgement of wrongdoing, relationship of parties, degree of aggression and physical contact, number of events, impact on complainant, cultural differences, any proven or substantiated retaliation, attempted retaliation or threats of retaliation, relevant past history outside of the university community and intent of the respondent.
- E.7.4 Without limitation, the following represent examples of possible sanctions and remedial actions for informal, mediated, and formal settlements:
- Advice and counselling.
 - An apology to the complainant.
 - Written warning letter or reprimand.
 - A campus wide or selected ban.
 - A transfer to an alternative housing option or dismissal from campus residence.
 - Restrict participation in non-academic programs such as varsity, club or intramural sport, residence council, etc.

- Prohibit students from participating in student activities, including sports, for a specified time.
- Change of job or class assignment (remove the person from being in a position to retaliate or further affect the complainant).
- Suspension, probation, dismissal, or expulsion.

E.8 Appeal

E.8.1 Any complainant or respondent who disagrees with the Equity Officer's decision in E.1.4, E.4.4 or the investigative procedure followed under E.5 or the sanction(s) or remedial action(s) imposed under E.7 has the right to an appeal.

- **Students:** an appeal will be conducted in accordance with the University Judicial Policy.
- **Acadia University non-unionized staff:** a standing appeals committee comprised of two (2) Acadia University Senior Administrative Officers, not involved in the original decision, and one (1) representative from each of the following SEIU, AUFA and AUPAT will determine if there are grounds for an appeal, and if so hear the appeal and issue a binding decision. The three shall select from among themselves the Chair of the committee. The Chair of the appeals committee shall conduct all communication related to the appeal.
- **Acadia Student Union non-unionized staff:** two (2) Acadia Student Union Senior Administrative Officers, not involved in the original decision, and one (1) student will determine if there are grounds for an appeal and if so will hear the appeal and issue a binding decision. The three shall select from among themselves the Chair of the committee. The Chair of the appeals committee shall conduct all communication related to the appeal.
- **Unionized faculty and staff:** the right to grievance and arbitration will serve as the appeal process.

E.8.2 All appeals must be submitted to the chair of the appeals committee in writing within ten (10) working days of receiving the report on final disposition from the Senior Administrative Officer. For grievances, they must be submitted within the time frame specified in the appropriate collective agreement from the date of the report on final disposition.

E.8.3 Nothing in this policy shall be construed to remove any rights of appeal or rights to grieve which members of the University community have independently of this policy. Neither does the policy remove any rights to take action against the University or members of the University community in other processes within or outside of the University.

F General Provisions

F.1 Obstructing the Process

- F.1.1 Any wilful action or inaction that obstructs the application of these procedures or breaches undertaking or agreement entered into as a result of a complaint resolution may result in an investigation and decision.
- F.1.2 All Senior Administrative Officers and Unit Heads should be aware that they may be held responsible for action or inaction that obstructs the application of this policy.

F.2 Right of Parties to Support and Assistance

- F.2.1 The complainant and the respondent are entitled to consultation with the Equity Officer in terms of dealing with the process and procedures under this Policy. At all stages of informal resolution, mediation, or investigation and decision all parties are entitled to have a support person present, provided it is at no cost to Acadia University .
- F.2.2 Members of unions and employee associations have all rights to representation that their collective agreements confer.

F.3 Retaliation

- F.3.1 Retaliation or any attempt at or threat of retaliation against anyone reporting or thought to have reported personal harassment, sexual harassment, and/or discrimination or who witnessed or otherwise is involved in informal, mediation or formal complaint proceedings is prohibited. Retaliation or any attempt at or threat of retaliation against a complainant, respondent or witness, whether the complaint was substantiated or unsubstantiated, may result in an investigation and decision by the Equity Officer or designated person. Encouraging others to retaliate also violates this policy.
- F.3.2 All persons involved in procedures under this policy are urged to report threats and other safety concerns immediately to the Acadia University Department of Safety and Security. Such reports should also be made to the Equity Officer and/or the relevant Unit Head.
- F.3.3 Examples of retaliation, without limitation, are listed below:
- Unfair grading.
 - Unfair evaluation.
 - Unfair assignments.
 - Having information withheld or made difficult to obtain in a timely manner such as class information, recommendations, or grades.
 - Not being informed about important events such as meetings or changes in policies.
 - Private and/or public ridicule.
 - Oral or written threats or bribes.
 - Refusal to meet with the complainant or respondent even though s/he has a right to a meeting.
 - Name calling.

- Further harassment of any nature.

F.4 Vexatious Complaint

- F.4.1 Allegations against another member of the university community made in bad faith or for a vexatious purpose (instituted without real grounds and meant to harm) may be the subject of a formal or informal complaint under this policy by any named respondent and may result in a recommendation for and imposition of action or sanctions under E.5, E.6 and E.7.
- F.4.2 An inquiry into a vexatious complaint or a complaint made in bad faith will be considered to be a separate case and will constitute a separate investigation as described in section E.5.

F.5 Confidentiality

- F.5.1 All members of the University community involved in any proceedings pursuant to this policy are expected to maintain confidentiality. A breach of confidentiality is a disservice to both the complainant and the respondent.
- F.5.2 Confidentiality is not the same as anonymity. For a complaint to go forward to mediation or investigation and decision, the identity of the complainant and the details of the complaint must be released to the Equity Officer, the respondent, and those involved in the application of these procedures.
- F.5.3 In mediation or informal agreements the complainant and respondent shall agree to the terms of confidentiality. These terms may also include the need to disclose information that restores a unit or classroom or residence or any other place or facility connected to or associated with the University to effective functioning.

F.6 Record Keeping

- F.6.1 Where records are retained in accordance with this policy those records are used only for the purpose for which they were created.
- F.6.2 Records are retained by the Equity Officer, for a period of six (6) years, as the property of Acadia University.
- F.6.3 No record of the informal resolution or mediation agreement will be entered into a staff, faculty or student file.
- F.6.4 In the case of formal complaints, in the absence of settlement, the decision, along with the investigation report and written response will become part of the respondent's file and retained in accordance with provisions of the relevant collective agreements that govern staff, faculty, and student files.

F.7 Consensual Relationships

- F.7.1 Anyone who enters into a romantic or sexual relationship with a person where a power differential exists must realize that, if a charge of sexual harassment, personal harassment, and/or discrimination is subsequently lodged, it will be extremely difficult to defend the conduct on grounds of mutual consent.
- F.7.2 This type of relationship may create a negative work or study environment for others and give rise to a complaint under this policy.
- F.7.3 In complaints of sexual harassment that involve an alleged romantic or sexual relationship, where the respondent has control over the employment or educational status of the complainant or where a power differential favours the respondent, the burden of proof that the relationship was consensual rests with the respondent.

F.8 Policy Review

- F.8.1 *The contents and effectiveness of the policy will be subject to review every two (2) years by a Presidential committee consisting of one (1) member each from the Board of Governors (non-student/non-employee), Acadia University Senior Administration, ASU, SEIU, AUPAT, AUFA, and the Equity Office. The process to follow in this review is as follows:*
 - a. The committee is struck with membership determined by appointment from the constituent groups.
 - b. The old policy is circulated to constituent groups for input.
 - c. The committee prepares a draft to their satisfaction.
 - d. The draft is sent out to all constituent groups for feedback requesting comments by a certain date.
 - e. The committee considers the feedback and compiles a draft for submission to the President for comment.
 - f. The committee considers the President's comments.
 - g. The final report of the committee is prepared and submitted to the President.

- h. *The President shall submit the committee's final report, along with the President's recommendation, to the Board of Governors for consideration. Any revisions to the Policy shall become effective upon approval by the Board.*

F.8.2 Throughout the policy review process members of the committee are encouraged to seek expert advice from consultants to their constituency group.