

The following Motions and Documents were considered by General Faculties Council at its Monday, January 30, 2017 meeting:

Agenda Title: **New Members of GFC**

CARRIED MOTION: MOTION I: TO APPOINT/RE-APPOINT [This motion may be proposed only by statutory members of GFC – VPs, Deans, statutory students or elected faculty members]:

CARRIED MOTION: MOTION II: TO RECEIVE [This motion may be proposed by any member of GFC]:

Final Amended Item: 4

Agenda Title: **Proposed Changes to the Discrimination, Harassment and Duty to Accommodate Policy and Related Procedures**

CARRIED MOTION: THAT General Faculties Council, as recommended by the GFC Academic Planning Committee, recommend that the Board of Governors approve the proposed revisions to the Discrimination, Harassment and Duty to Accommodate Policy and related Procedures as set forth in Attachments 1, 2 and 3, to take effect upon final approval.

Final Recommended Item: 8

Agenda Title: **Proposed Changes to the Helping Individuals at Risk (HIAR) Policy and Procedure**

CARRIED MOTION: THAT General Faculties Council, as recommended by the GFC Academic Planning Committee, recommend that the Board of Governors approve the proposed revisions to the Helping Individuals at Risk (HIAR) Policy and Procedure as set forth in Attachments 1 and 2, to take effect upon final approval.

Final Recommended Item: 9

OUTLINE OF ISSUE
Action Item

Agenda Title: **Proposed Revisions to the Discrimination, Harassment and Duty to Accommodate Policy and Related Procedures**

Motion: THAT General Faculties Council, as recommended by the GFC Academic Planning Committee, recommend that the Board of Governors approve the proposed revisions to the Discrimination, Harassment and Duty to Accommodate Policy and related Procedures as set forth in Attachments 1, 2 and 3, to take effect upon final approval.

Item

Action Requested	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Recommendation
Proposed by	Vice-President (Finance and Administration) Provost and Vice-President (Academic)
Presenter	Logan Mardhani-Bayne (Initiatives Manager, Audit and Analysis) Wade King (Senior Advisor, Office of Safe Disclosure and Human Rights)

Details

Responsibility	Vice-President (Finance and Administration) Provost and Vice-President (Academic)
The Purpose of the Proposal is (please be specific)	To update the Policy and related Procedures as follows: <ul style="list-style-type: none"> • Update definitions and text to account for amendments to Alberta Human Rights Act • Update names, descriptions and responsibilities of campus services to reflect current names and functions • Clarify status of post-doctoral fellows under this policy by referencing applicable policy already in place • Transfer procedural information from Policy to Procedure and merge existing Discrimination and Harassment Procedures to comply with standard university practice and for clarity • Update Related Links to reflect current resources • Apply other minor textual edits for clarity and to reflect current practice
The Impact of the Proposal is	To bring the Policy into alignment with the Alberta Human Rights Act and to improve clarity to users of the policy.
Replaces/Revises (eg, policies, resolutions)	Discrimination, Harassment and Duty to Accommodate Policy Duty to Accommodate Procedure Discrimination and Harassment – Allegations Against Staff Procedure Discrimination and Harassment – Allegations Against Students Procedure
Timeline/Implementation Date	Upon final approval
Estimated Cost /funding source	N/A
Next Steps (ie.: Communications Plan, Implementation plans)	Following governance approval, revised policy and procedures will be communicated through outreach activities of the Office of Safe Disclosure and Human Rights
Supplementary Notes and context	See Policy and Procedures (redline versions) and Summary of Input from NASA.

Engagement and Routing (Include meeting dates)

<p>Participation: (parties who have seen the proposal and in what capacity)</p> <p><For further information see the link posted on the Governance Toolkit section Student Participation Protocol></p>	<p><u><i>Those who have been informed:</i></u></p> <ul style="list-style-type: none"> • <p><u><i>Those who have been consulted:</i></u></p> <ul style="list-style-type: none"> • Office of the Provost (Initiatives Manager and SAO) • Advancement (SAO) • University Relations (SAO) • Research (SAO) • Finance and Administration (SAO and VP) • Facilities and Operations (SAO) • Student Conduct and Accountability (Director, Student Judicial Affairs) • Students' Union (President) • Graduate Students' Association (President) • Human Resource Services (OHE, Faculty Relations) • Student Accessibility Services and Student Success Centre • UAPS (Director) • Sexual Assault Centre (Director) • General Counsel (Senior Counsel) • AASUA • NASA • Vice-Provosts' Council (Oct. 17) • President's Executive Committee – Operations (Oct. 27) <p><u><i>Those who are actively participating:</i></u></p> <ul style="list-style-type: none"> • Office of Safe Disclosure and Human Rights (Senior Advisor)
<p>Approval Route (Governance) (including meeting dates)</p>	<p>GFC Academic Planning Committee – December 14, 2016 GFC Executive Committee – January 16, 2017 General Faculties Council – January 30, 2017 Board Human Resources and Compensation Committee – Feb 28, 2017 Board Safety, Health and Environment Committee – March 1, 2017 Board of Governors – March 17, 2017</p>
<p>Final Approver</p>	<p>Board of Governors</p>

Alignment/Compliance

<p>Alignment with Guiding Documents</p>	<p><i>For the Public Good</i></p> <p>Goal: BUILD</p> <p>Objective 2, Strategy ii: Review, improve, and implement equity processes and procedures for recruiting and supporting faculty to ensure a balanced academy, representative of women, visible minorities, sexual and gender minorities, Indigenous peoples, and people with disabilities.</p> <p>Objective 3, Strategy ii: Review, improve, and implement equity processes and procedures for recruiting and supporting staff to ensure that all categories of staff are representative of women, visible minorities, sexual and gender minorities, Indigenous peoples, and people with disabilities.</p>
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<p>Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please <u>quote</u> legislation and include identifying section numbers)</p>	<p>1. Post-Secondary Learning Act. The Post-Secondary Learning Act (PSLA) gives the Board of Governors the authority to “develop, manage and operate, alone or in co-operation with any person or organization, programs, services and facilities for the educational or cultural advancement of the people of Alberta” (Section 60(1)).</p> <p>Further, the Board of Governors “must consider the recommendations of the general faculties council, if any, on matters of academic import prior to providing for [...] any other activities the board considers necessary or advantageous” (Section 19(e)).</p> <p>2. Post-Secondary Learning Act. The PSLA gives General Faculties Council (GFC) responsibility, subject to the authority of the Board of Governors, over academic affairs (Section 26(1)) and over student affairs (Section 31), including authority concerning "student discipline."</p> <p>3. Alberta Human Rights Act: “4 No person shall ... (b) discriminate against any person or class of persons with respect to any goods, services, accommodation or facilities that are customarily available to the public, because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.</p> 7(1) No employer shall ... (b) discriminate against any person with regard to employment or any term or condition of employment, because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.” <p>4. GFC Academic Planning Committee Terms of Reference (Mandate): “The Academic Planning Committee (APC) is GFC's senior committee dealing with academic, financial and planning issues. [...] [T]he President, Provost and Vice-President (Academic) or other Vice-Presidents may refer any matter to APC for consideration or recommendation to GFC. APC is also responsible to GFC for promoting an optimal learning environment for students and excellence in teaching, research, and graduate studies.”</p> <p>5. GFC Executive Committee Terms of Reference “5. Agendas of General Faculties Council GFC has delegated to the Executive Committee the authority to decide which items are placed on a GFC Agenda, and the order in which those agenda items appear on each GFC agenda. [...]</p> <p>When recommendations are forwarded to General Faculties Council from APC, the role of the Executive shall be to decide the order in which items should be considered by GFC. The Executive Committee is responsible for providing general advice to the Chair about proposals</p>
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	<p>being forwarded from APC to GFC.”</p> <p>6. General Faculties Council Terms of Reference (Mandate) “The issues which remain with GFC or which would be referred by a Standing Committee to GFC would generally be in the nature of the following: • high level strategic and stewardship policy issues or matters of significant risk to the University”</p> <p>7. Board Human Resources and Compensation Committee (BHRCC) Terms of Reference: “3. MANDATE OF THE COMMITTEE Except as provided in paragraph 4 and in the Board's General Committee Terms of Reference, the Committee shall monitor, evaluate, advise and make decisions on behalf of the Board with respect to, and the Board delegates to the Committee responsibility and authority for, all policies and procedures affecting staff working conditions at the University and matters for collective bargaining and related service contracts. The Committee shall also consider any other matter delegated to the Committee by the Board. Without limiting the generality of the foregoing the Committee shall: [...] c) review and approve material changes to personnel policies of the University that are outside the regular collective bargaining process and consider trends affecting such policies;”</p> <p>8. Board Safety, Health and Environment Committee (BSHEC) Terms of Reference: “3. Mandate of the Committee Except as provided in paragraph 4 hereof and in the Board's General Committee Terms of Reference, the Committee shall monitor, evaluate, advise and make decisions on behalf of the Board with respect to all matters concerning environmental health and the protection of the health, safety and security of the University community and the general public at the University as well as University student health and wellness. The Committee shall also consider any other matter delegated to the Committee by the Board. Without limiting the generality of the foregoing the Committee shall: a) provide oversight regarding the environmental health, safety and security of the University community: (i) approve University policies and procedures relating to environmental health, safety, and security issues and compliance therewith; b) provide oversight regarding student health and wellness initiatives and strategies on campus: (i) review and approve University policies and procedures relating to student health and wellness issues;”</p>
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Attachments:

1. Discrimination, Harassment and Duty to Accommodate Policy (pages 1 - 10)
2. Discrimination and Harassment Complaint Procedure (pages 1 - 6)
3. Duty to Accommodate Procedure (pages 1-8)
4. Summary of Input from the Non-Academic Staff Association (pages 1 - 3)

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Original Approval Date: May 11, 2012

Most Recent Approval:

Discrimination, Harassment and Duty to Accommodate Policy

Office of Accountability:	Provost and Vice-President (Academic) Vice-President (Finance and Administration)
Office of Administrative Responsibility:	Vice Provost and Dean of Students Vice-Provost & Associate Vice-President, Human Resources
Approver:	Board of Governors (Board Human Resources and Compensation Committee) General Faculties Council (GFC Executive Committee)
Scope:	Compliance with this University policy extends to all members of the University community. Compliance with this University policy extends to academic staff, administrators, colleagues, and support staff as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories) as well as undergraduate and graduate students, postdoctoral fellows, emeriti, members of the Board of Governors, third party contractors, visiting speakers and volunteers.

Overview

As a leading teaching and research institution whose work is local, national, and international, the University of Alberta is responsive to the needs of a diverse student population and workforce, as well as to the urban, rural, francophone, Aboriginal, and multicultural communities in which it does its work. The University is enriched by diversity, and it welcomes and seeks to include many voices, including those that have been under-represented or excluded.

This policy is guided by the following principles:

1. Equity

Equity is about fairness: in access – to education, to employment – and in opportunity to succeed in these domains. As a guiding principle of this policy, equity reflects an understanding that the University of Alberta is an increasingly diverse community and that it will respect and value the differences of its members.

2. Responsibility

Responsibility for achieving a work, study, and living environment free of harassment and discrimination ~~falls on~~ **rests with every member of the University community individual to whom this Policy applies.** All members can reasonably expect to pursue their work and studies in a safe and respectful environment. Neither the University nor any ~~members of the University community~~ **associated individual** shall practice or condone any discriminatory or harassing conduct that adversely affects the pursuit of work and study or life on campus. ~~Members of the University community~~ **Individuals** who are aware of acts of discrimination or harassment are encouraged to take appropriate steps to stop the discriminatory or harassing behavior. Advice and assistance may be sought from anyone in a position of authority, such as a supervisor, instructor or administrator. More formal advice and assistance may be sought from the Office of Safe Disclosure and Human Rights (OSDHR),

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~~Student OmbudService (SOS)~~ **Office of the Student Ombuds (OSO)**, the Association of Academic Staff University of Alberta (AASUA), the Non-Academic Staff Association (NASA), ~~Health Promotion and Worklife Services (HPaWS)~~ **Human Resource Services (HRS) and Organizational Health and Effectiveness (OHE)**, the Office of the Dean of Students and ~~Specialized Support and Disability Services (SSDS)~~ **Student Accessibility Services (SAS)**.

3. Academic Freedom

The University of Alberta's motto, *Quaecumque Vera* (whatsoever things are true) declares the University's commitment to academic freedom and freedom of speech. As an institution of higher learning and research, the University is devoted to discovery, debate, difference of opinion, and the careful and public weighing of ideas and actions. Members of the University have the right to pursue the truth in their research and publications, artistic creations, teaching, learning, service, and public debate. This includes the right to question and criticize the status quo. Academic freedom, however, is not without limits. It is not, for example, a justification or license for discrimination or harassment ~~or for preventing the lawful exercise of free speech.~~

Purpose

The purpose of this policy is to foster and protect a **respectful environment** for work, study, and living that supports ~~the dignity and equality of~~ **equity for** all members of the University of Alberta. This policy expresses the University's commitment to a work, study, and living environment that is free of **discrimination** and **harassment**, and it ensures that the University of Alberta will meet both its obligations under law and its ethical responsibilities as an institution of higher learning. These legal and ethical responsibilities include the **duty to accommodate** and the provision of opportunities to persons who require **accommodation** based on a **protected ground**.

POLICY

1. DISCRIMINATION OR HARASSMENT

It is the policy of the University of Alberta that acts of discrimination or harassment committed by any **individual to whom this policy applies** ~~member of the University community~~ are strictly prohibited. Discrimination and harassment in the work, study and living environment includes, but is not limited to, discrimination and harassment on University of Alberta property, at University-related functions, in the course of work or study assignments outside the University, at work or study-related conferences or training sessions, during work or study-related travel, or by phone, computer, or other electronic means.

Individuals affected by discrimination or harassment will be provided with a process for making and resolving complaints. Complaints relating to sexual violence will be addressed under the *Sexual Violence Policy*. Complaints of discrimination or harassment will be addressed and resolved in a timely manner, whenever possible. **When a complaint of discrimination or harassment is established, appropriate action is taken, regardless of the authority or seniority of the offender.** Individuals who engage in harassing or discriminatory behaviours may be subject to disciplinary action.

The University has an overriding institutional interest in maintaining an environment free from discrimination and harassment and may therefore itself initiate an investigation, or become a complainant, or continue with a complaint withdrawn by a complainant.

Retaliation or reprisal against a person who has made a complaint, or against witnesses to a complaint, are similarly prohibited. Individuals who engage in retaliation may be subject to disciplinary action.

The University also recognizes the serious nature of allegations of discrimination and harassment that are made in bad faith, and it may take disciplinary action should allegations of discrimination or harassment be shown to be malicious, frivolous, fraudulent, or vexatious. Submitting a complaint in good faith, even when the complaint cannot be ~~proven~~ **established**, is not a violation of this policy.

Procedures on reporting and resolving discrimination or harassment complaints are published under this policy.

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2. DUTY TO ACCOMMODATE

To ~~assist~~ **enable** members of the University **community** to make their full contributions, the University of Alberta will take reasonable steps to accommodate individuals who are disadvantaged by employment, tenancy, or educational rules, standards, policies, or practices related to protected grounds to the point of **undue hardship**, or as required by law.

The University is committed to academic excellence. Accommodation ~~of students with disabilities~~ neither requires nor implies that the University lower its academic **or professional** standards. Nor does accommodation relieve ~~the students~~ of the responsibility to **develop demonstrate** the essential skills and competencies required by programs, **or relieve staff of the responsibility to meet the performance requirements of a position in which they are accommodated.**

Accommodation of members of the University community requires the University to take ~~appropriate~~ **reasonable** steps to eliminate discrimination resulting from a rule, practice or barrier that has a negative effect on a person **by reason of a protected ground.** ~~with a need for accommodation.~~ The University's duty to accommodate is far-reaching. However, the law recognizes that, in certain circumstances, a limitation on individual rights may be reasonable and justifiable if the University can show that the discriminatory practice, standard, decision or rule is a "bona fide requirement" (BFR) or a "bona fide occupational requirement" (BFOR) **and/or that accommodation would impose undue hardship on the University.**

The University will apply current legal requirements in making such determinations. ~~Currently,~~ ~~to~~ justify a practice, standard, decision or rule as a BFR or BFOR, the University must demonstrate, on a balance of probabilities, that the impugned practice, standard, decision or rule:

- a) was adopted for a rational purpose connected to the performance of the job or the provision of the service;
- b) was adopted in an honest and good faith belief that it was necessary to the fulfillment of the job or service;
- c) is reasonable and necessary to the fulfillment of the job or service.

To show that the practice, standard, decision or rule is reasonable and necessary, the University must demonstrate that accommodation of the employee or student would impose undue hardship on the University.

Procedures on requesting and ~~dealing with~~ **addressing** accommodation issues are published under this policy and include examples of accommodation measures and **assessing** ~~ments~~ **of** undue hardship.

3. GENERAL RESPONSIBILITIES

~~While~~ It is a guiding principle of this policy that all members of the University community – **including the Board of Governors and General Faculties Council** – share responsibility for creating and maintaining a work, study, and living environment **that supports the dignity of and equity for all persons, accommodates individuals based on protected grounds and is** free of discrimination and harassment. As such, the University recognizes its **institutional responsibility to:** ~~the following particular responsibilities.~~

- implement effective policy and procedures ~~on~~ to address discrimination and harassment and for resolving complaints of discrimination and harassment informally and formally
- where a discrimination or harassment complaint has been established, take appropriate regardless of the authority or seniority of the offender and consider whether a **remedy** may be offered to the person who experienced discrimination or harassment.
- implement effective policy and procedures to reasonably **accommodate members of the University community**, when and to the extent required by law ~~to members of the University community.~~
- promote awareness of this policy and its related procedures as well as relevant support services on campus
- maintain a safe, confidential and neutral mechanism for members of the University community to report concerns and/or make inquiries related to this policy
- ensure that requests for accommodation are addressed in accordance with any applicable employment agreements, student policies and this policy and related procedure

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Additionally, all senior leaders, including the President, Vice-Presidents, Deans, Directors and Chairs and other officers of the University ~~exercise~~ **have** administrative responsibility to implement this policy and associated ~~related~~ **related** procedures ~~and to give effect to the guiding principles of this policy~~, including by creating, supporting and maintaining a work environment that supports dignity and equity for all members of the University community, ~~accommodates in identified protected grounds and is free of discrimination and harassment~~. Specific ~~administrative~~ **administrative** responsibilities are ~~enumerated~~ **set out** in the procedures published under this policy.

All members of the University community are responsible for understanding discrimination, harassment, and duty to accommodate issues, working towards ensuring respectful work and learning spaces, promoting awareness about these issues and creating work and learning spaces in which members of the University community can raise questions about discrimination and harassment without fear of reprisal.

~~a. Board of Governors, General Faculties Council and President~~

~~Through its Board of Governors, General Faculties Council and President, the University of Alberta is responsible, in particular, for:~~

- ~~i. Providing effective policy and procedures on discrimination and harassment, including those for **informal resolution** and **formal resolution**.~~
- ~~ii. Providing effective policy and procedures for reasonable accommodation, when and to the extent required by law, to members of the University community.~~
- ~~iii. Providing for review of this policy from time to time and as required.~~

~~b. The University of Alberta~~

~~The University has an overriding interest in maintaining an environment free from discrimination and harassment and may therefore itself initiate an investigation, or become a complainant, or continue with a complaint withdrawn by a complainant. The University of Alberta is responsible for:~~

- ~~i. Ensuring that accommodation options are investigated in a respectful and timely manner with persons applying for accommodation.~~
- ~~ii. Ensuring that requests for accommodation are addressed as appropriate pursuant to any applicable negotiated employment agreements, student policies and the terms of this policy.~~
- ~~iii. Ensuring that when a complaint of discrimination or harassment is upheld, appropriate action is taken, regardless of the authority or seniority of the offender.~~
- ~~iv. Considering whether a **remedy** may be offered to a member of the University community who has experienced discrimination or harassment.~~
- ~~v. Ensuring that, through the Office of Safe Disclosure and Human Rights (OSDHR), education about, and information to create awareness of this policy are made available to all members of the University community.~~
- ~~vi. Ensuring that, through OSDHR, easily accessible information on discrimination, harassment and the duty to accommodate can be found on the University website and that the information clearly outlines issues, describes the process for both **complainant** and **respondent** and for persons requesting accommodation and provides information about relevant support services on-campus.~~
- ~~vii. Ensuring that the University provides information to members of the University community regarding their right to seek accommodation.~~

~~c. Vice-Presidents, Deans, Directors and Chairs~~

~~Under this policy, Vice-Presidents, Deans, Directors, Department Chairs and other officers of the University have an administrative responsibility to uphold the University's policy on discrimination, harassment, and duty to accommodate. They are responsible within their portfolios for creating, supporting, and maintaining a work environment that is free of discrimination and harassment. This administrative responsibility includes, but is not limited to:~~

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- ~~i. Working to inform themselves and members of the University community for whom they are responsible of the provisions of this Policy and supporting awareness about discrimination, harassment, and duty to accommodate issues.~~
- ~~ii. Promoting and supporting the educational efforts of the University to make its members aware of discrimination, harassment, and duty to accommodate issues and of their responsibility under this policy.~~
- ~~iii. Supporting, participating in, and ensuring that within their portfolios, reasonable accommodation is provided when and to the extent required by law. If the need for accommodation is evident, responsibility for providing it may exist even if the person requiring it does not self-identify. Vice-Presidents have specific responsibility for authorizing and providing funds to assess accommodation options and have them implemented.~~
- ~~iv. Participating in processes aimed at resolving complaints of discrimination and harassment and supporting the determined remedy as appropriate under the agreed-upon terms.~~
- ~~v. Ensuring proper collection, retention of and access to accommodation records, which respects the privacy interests of the individual and the University's need for sufficient information to assess and implement accommodations.~~

~~d. Supervisory Staff, Instructors and Students~~

~~Supervisory staff, instructors and students are responsible for:~~

- ~~i. Recognizing the responsibility of all members of the University community to understand discrimination, harassment, and duty to accommodate issues;~~
- ~~ii. Working in partnership towards ensuring respectful work and learning spaces and promoting awareness about issues related to discrimination, harassment, and duty to accommodate.~~
- ~~iii. Creating work and learning spaces in which members of the University community can raise questions about discrimination and harassment without fear of reprisal.~~

~~e. Office of Safe Disclosure and Human Rights (OSDHR)~~

~~The University employs a Safe Disclosure and Human Rights Advisor ["the Advisor"]. The Advisor's responsibilities include:~~

- ~~i. Maintaining a safe, confidential and neutral space where members of the University can report concerns and/or make inquiries related to this Policy.~~
- ~~ii. Providing advice and information on policies and procedures relating to discrimination, harassment, and duty to accommodate to complainants, respondents, applicants for accommodation and members of the University community.~~
- ~~iii. Providing advice and/or referral services (including, but not limited to AASUA, NASA, Student OmbudService, Sexual Assault Centre, Specialized Support and Disability Services and Health Promotion and Worklife Services (HPaWS)) to any member of the University community who asks for help with a discrimination or harassment problem or with an application for accommodation.~~
- ~~iv. Developing and implementing an educational framework focused on preventing discrimination and harassment as well as informing or training members of the University community of the provisions of this Policy. This includes providing guidance on creating a work, study and living environment that is supportive of human rights.~~
- ~~v. Monitoring, where possible, resolution processes undertaken to resolve matters that arise under this policy to ensure they are fair and equitable for all, and expressing any concerns to the appropriate Vice-President.~~
- ~~vi. Reporting directly to the Associate Vice-President (Audit and Analysis) and submitting an annual report to General Faculties Council and to the Board of Governors.~~

~~f. Specialized Support and Disability Services (SSDS)~~

~~i. For Students~~

~~SSDS, the office responsible for providing specialized support and disability services, is guided by the mandate of the University of Alberta's Policy for Students with Disabilities of~~

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~~“attracting and retaining qualified students with disabilities”. The office serves prospective and current students whose permanent disabilities involve conditions affecting mobility, vision, hearing, and physical and mental health. It coordinates the process of accommodating students with disabilities in cooperation with faculties, departments, and appropriate units by:~~

- ~~i. Evaluating the impact of the disability (based on formal documentation of disability and student information) in the context of meeting academic program requirements on a case by case basis.~~
 - ~~ii. Making recommendations, and coordinating implementation of, reasonable accommodation without compromising academic standards and in keeping with the University’s policies and human rights legislation.~~
 - ~~iii. Promoting and advising on universal design and access to all areas of university life in which students with disabilities participate (such as classroom, lab and field experience learning, housing, recreation, electronic instruction and communication and university events).~~
 - ~~iv. Working closely with university Facilities and Operations through the Accessibility Advisory Committee to promote universal design in capital projects.~~
- ~~ii. For Faculty and Staff~~
- ~~SSDS works in close liaison with the Student OmbudService, HPaWS, faculties, departments, and various other administrative units throughout the University to promote an inclusive and accessible teaching, research, and work environment for employees with disabilities and to advance recruitment initiatives consistent with the University’s employment equity plan. To that end, the office:~~
- ~~i. Promotes barrier-free workspaces and inclusive practices that accommodate disability.~~
 - ~~ii. Guides departments/units in understanding equity issues and the accommodation process.~~
 - ~~iii. Recommends specific accommodations which promote the individual’s ability to meet work and professional competencies while diminishing impact of disability.~~
 - ~~iv. Facilitates or supports reasonable accommodation efforts and provides support to employees with disabilities and their supervisors and units.~~
 - ~~v. Provides consultation to, or referral of, faculty and staff members who experience difficulty meeting professional or work-related responsibilities due to disability.~~
 - ~~vi. Provides direct services such as communication support for deaf and hard of hearing employees, evaluation, training, and technical support with adaptive technology, access to materials in alternate format, loan of ergonomic furniture and equipment, and adaptive technology and software.~~
 - ~~vii. Working closely with university Facilities and Operations through the Accessibility Advisory Committee to promote universal design in capital projects.~~
 - ~~viii. Works closely with the offices that provide human resource services, environmental health and safety services, safe disclosure and human rights services, and specific units in supporting faculty and staff members with disabilities.~~

~~g. Additional Resources~~

~~A large variety of additional specialized support services, such as the Sexual Assault Centre, the Aboriginal Student Services Centre, Student Legal Services and the Chaplain’s Association, can provide information, counseling, and support to persons involved in issues of discrimination, harassment, and accommodation. Those seeking advice or information as it pertains to University policy are encouraged to contact the Office of Safe Disclosure and Human Rights or the Student OmbudService which can also provide referrals to the support service units.~~

~~As part of its commitment to provide a work, study, and living environment free from discrimination and harassment, the University will review from time to time the resources needed to carry out this Policy.~~

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DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [▲Top](#)

Members of the University Community	All employees, (including but not limited to, academic staff, support staff and administrators), adjunct professors, professors emeriti, lecturers, clinical staff, all students (including undergraduate students and graduate students), and post-doctoral fellows.
Respectful Environment	The respectful environment is characterized by a shared commitment to civility and human dignity. It values and respects academic freedom and it welcomes a diversity of perspectives. It recognizes and rejects activities that are harmful to mutual respect and is committed to educating members of the University about respect in work, study, and living environments. The work, study and living environment extends beyond the University's campuses and properties and includes, but is not limited to, University-related functions, work or study assignments outside the University, work or study-related conferences or training sessions, work or study-related travel, and communication by phone, computer, or other electronic means.
Discrimination	A distinction, whether or not intentional, based on a characteristic or perceived characteristic referenced in the protected grounds that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society.
Harassment	<p>Conduct or comment, either one-time or repeated that:</p> <ul style="list-style-type: none"> a) is demeaning, intimidating, threatening, or abusive; and b) is not trivial or fleeting in nature; and c) causes offence and should have reasonably been expected to offend; and d) serves no legitimate purpose for the work, study or living environment, and e) undermines authority or respect in the work, study or living environment, or impairs work or learning performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive work or learning environment. <p>Harassment includes <u>bullying</u>, which is a form of aggression that may include physical, verbal, or emotional abuse. Bullying poisons the work, study or living environment of the person it targets. It can include persistent, offensive, abusive, intimidating or insulting behavior, abuse of power, and/or unfair sanctions which make the individual feel threatened, humiliated, and/or vulnerable.</p> <p><u>Sexual Harassment</u> may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the work, study or living environment or otherwise leads to adverse consequences for the person who is the target of the harassment.</p> <p>It may consist of unwanted sexual attention, sexually oriented remarks or behaviours, or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct, but cannot be trifling. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.</p>

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	<p>The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.</p> <p><u>Racial Harassment</u> involves unwanted or unwelcome comments, conduct or behavior that humiliates, intimidates, excludes or isolates an individual or group by focusing on their race, ethnicity, origin or religion. Overall, racial harassment undermines self-esteem and is a violation of the dignity and security of the individual or group(s) that it targets.</p>
Duty to Accommodate	<p>The duty to accommodate obligates the University to make reasonable adjustments, to the point of undue hardship or as required by law, to the delivery of services (including teaching and the method of evaluation) and the conditions of employment in order to reduce or eliminate the impact of discriminatory rules, policies, practices, standards, terms of employment, or decisions, which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the protected grounds.</p>
Accommodation	<p>Accommodation is the process of making reasonable adjustments to the delivery of services and the conditions of employment in order to alleviate any adverse impacts on persons that result from the application of reduce or eliminate the impact of discriminatory rules, policies, practices, standards, terms of employment, or decisions, due to which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the protected grounds. Accommodation is a shared responsibility between the University and the individual in need of accommodation, and is assessed on the unique circumstances of each individual. The process requires reasonable accommodation, not instant or perfect accommodation. The recipients of accommodation (e.g. students, faculty and staff) may be required to try different accommodation options. The University is required to provide reasonable accommodation up to the point of undue hardship.</p> <p>Accommodation neither requires nor implies that the University lower its academic or professional standards. Nor does accommodation relieve students of the responsibility to demonstrate the essential skills and competencies required by programs or staff of the responsibility to meet the performance requirements of a position in which they are accommodated.</p>
Bona fide requirement (BFR) / Bona fide occupational requirement (BFOR)	<p>A limitation on individual rights may be reasonable and justifiable if the University can show that a discriminatory practice, standard, decision or rule is a “bona fide requirement” (BFR) or “bona fide occupational requirement” (BFOR). To justify such a determination Currently, to establish a BFR or BFOR, , the University must demonstrate, on a balance of probabilities, that the impugned practice, standard, decision or rule:</p> <ol style="list-style-type: none"> a) was adopted for a rational purpose connected to the performance of the job or the provision of the service; b) was adopted in an honest and good faith belief that it was necessary to the fulfillment of the job or service; c) is reasonable and necessary to the fulfillment of the job or service.
Protected Grounds	<p>Discrimination is prohibited based on the following protected grounds:</p> <ol style="list-style-type: none"> a) race

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	<ul style="list-style-type: none"> b) colour c) ancestry d) place of origin e) religious beliefs f) gender, gender identity and gender expression (including pregnancy and gender identity) g) physical disability h) mental disability i) marital status j) family status k) source of income l) sexual orientation m) age n) political beliefs; <p>or any other groups as amended from time to time.</p>
<p>Undue Hardship</p>	<p>The University has a duty to take reasonable steps to accommodate individual needs to the point of undue hardship. Undue hardship occurs when accommodation would create onerous conditions for the University. While undue hardship will be decided in the circumstances of each case, onerous conditions may include, but are not limited to, the following. When the proposed accommodation would: including but not limited to the following, should be considered:</p> <ul style="list-style-type: none"> a) pose when there is a risk to the safety of others or a substantive risk of personal injury to the person seeking accommodation, b) entail unreasonable financial cost such that a program or service would cease to exist, or otherwise be unreasonable for the University to bear the costs of accommodation, c) effectively lower academic and/or when accommodation alternatives would result in lowering performance standards or result in substantive job requirements being unmet, d) unduly disrupt or interfere with when the accommodation would be unduly disruptive to an academic staff or collective agreement or cause substantial detrimental effects on other employees, e) When an educational accommodation would result in essential elements of an educational service or program not being offered to other students, or cause a detrimental effect on other students. as a result of accommodating an individual or a group of students. <p>All students are bound by the Code of Student Behaviour.</p>
<p>Informal Resolution</p>	<p>Informal resolutions are those that achieve remedies agreeable to complainants and respondents, but do not invoke formal resolution procedures. Informal resolutions involve the relevant parties, and may include coaching, counseling, supporting, mediating, or otherwise facilitating the resolution of the complaint. See procedures linked to this Policy.</p>
<p>Formal Resolution</p>	<p>Formal resolutions are effected through procedures described in the University's academic staff and collective agreements with AASUA and NASA, in the Code of Student Behaviour, in the Postdoctoral Fellows Policy or in the procedures linked to the Discrimination, Harassment and Duty to Accommodate Policy.</p>
<p>Remedy</p>	<p>The general purposes of a remedy are:</p> <ul style="list-style-type: none"> a) to restore, as closely as possible, to a person whose complaint of discrimination or harassment has been sustained, the position she or he would have been in had the discrimination or harassment not occurred; and b) To prevent further acts of discrimination or harassment.

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	A remedy will be appropriate to the individual case and severity of the finding of discrimination or harassment. It may include, but is not limited to, an apology, the creation of a policy, a promise or requirement to cease the behaviour, or a transfer.
Complainant	A complainant is a person who alleges s/he has experienced believes he or she has been a victim of discrimination and/or harassment and initiates a complaint against a member of the University community or other individual covered under this Policy.
Respondent	A respondent is a member of the University community who has been accused of discrimination or harassment by a complainant.

RELATED LINKS

Should a link fail, please contact uappol@ualberta.ca. [[▲Top](#)]

Administrative and Professional Officer Agreement (University of Alberta)
Alberta Human Rights Act (Government of Alberta)
Code of Student Behaviour (University of Alberta)
Discrimination and Harassment Complaint Guidelines for Students (University of Alberta)
Employment Equity and Human Rights (Government of Alberta and Canada)
Ethical Conduct and Safe Disclosure Policy (University of Alberta)
Faculty Agreement (University of Alberta)
Faculty Service Officer Agreement (University of Alberta)
Federal Contractors Program (Government of Canada)
Helping Individuals at Risk Policy (University of Alberta)
Human Resource Services (University of Alberta)
Librarian Agreement (University of Alberta)
Office of the Student Ombuds (University of Alberta)
NASA Collective Agreement (University of Alberta)
Office of Safe Disclosure and Human Rights (University of Alberta)
Postdoctoral Fellows Policy (University of Alberta)
Sessional Agreement (University of Alberta)
~~Specialized Support and Disability Services~~ **Student Accessibility Services** (University of Alberta)
University of Alberta Protective Services (University of Alberta)

PUBLISHED PROCEDURES OF THIS POLICY

Duty to Accommodate Procedure
Discrimination and Harassment Complaint Procedure
~~Discrimination and Harassment—Allegations Against Students Procedure~~
~~Discrimination and Harassment—Allegations Against Staff Procedure~~

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Original Approval Date: May 11, 2012

Most Recent Approval:

Discrimination and Harassment – Allegations Against Staff Complaint Procedure

Office of Administrative Responsibility:	Vice Provost and Dean of Students Vice-Provost & Associate Vice-President, Human Resources
Approver:	Vice-Provost and Associate Vice-President (Human Resources) Vice Provost and Dean of Students
Scope:	Compliance with this University procedure extends to all members of the University community. Compliance with this University policy extends to academic staff, administrators, colleagues, and support staff as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories) as well as undergraduate and graduate students, postdoctoral fellows, emeriti, members of the Board of Governors, third party contractors, visiting speakers and volunteers.

Purpose

This Procedure establishes general responsibilities related to **discrimination and harassment** and specific procedures which apply where a complaint of discrimination or harassment is brought against a faculty or staff member, **student or post-doctoral fellow (PDF)** at the University of Alberta. This procedure also provides guidance for any party involved in such a complaint. ~~The procedure for cases in which a complaint of discrimination or harassment is brought against a student can be found in the Discrimination and Harassment – Allegations Against Students Procedure.~~

~~Informal resolution and formal resolution~~ procedures for complaints of discrimination and harassment are described in order to ensure an established process for the management and resolution of complaints.

~~Informal and formal 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 at the University of Alberta (AASUA), the Non-Academic Staff Association (NASA), the *Code of Student Behaviour*, *Postdoctoral Fellows Dispute Resolution Procedure* and other applicable contracts or policies.

~~This procedure is guided by the principles of natural justice and by the principles that all parties will act in good faith, that the confidentiality contemplated by the process will be maintained and that no complainant or respondent will coerce another party. Examples of coercive behavior include threats and intimidation.~~

PROCEDURE

This procedure is guided by the principles of **natural justice** and by the principles that the parties involved in a complaint will act in good faith, that the confidentiality contemplated by resolution processes will be maintained and that no complainant or respondent will retaliate against the other party. Examples of retaliation include threats and intimidation.

RESPONSIBILITIES:

Comment [1]: Subsection previously located in the parent Policy

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The following parties have specific responsibilities under this procedure.

President, Vice-Presidents, Deans, Directors and Chairs are responsible for:

- informing themselves and **members of the University community** for whom they are responsible of the provisions of the *Discrimination, Harassment and Duty to Accommodate Policy* and associated Procedures and supporting awareness about discrimination and harassment issues.
- participating in processes aimed at resolving complaints of discrimination and harassment and supporting the determined remedy as appropriate under agreed-upon terms.

The Office of Safe Disclosure and Human Rights (OSDHR) is responsible for:

- providing advice and information on policies and procedures relating to discrimination and harassment to complainants, respondents and members of the University community.
- providing advice and/or referral services (including, but not limited to AASUA, NASA, Office of the Student Ombuds (OSO), Sexual Assault Centre, Student Accessibility Services (SAS), Human Resource Services (HRS) and Organizational Health and Effectiveness (OHE) to any member of the University community who asks for help with a discrimination or harassment problem.
- developing and implementing an educational framework focused on preventing discrimination and harassment as well as informing or training members of the University community of the provisions of this Procedure. This includes providing guidance on creating a work, study and living environment that is supportive of human rights.
- monitoring, where possible, the resolution processes engaged under this Procedure to ensure they are fair and equitable for all, and expressing any concerns to the appropriate Vice-President.
- reporting directly to the Associate Vice-President (Audit and Analysis) and submitting an annual report to General Faculties Council and to the Board of Governors.

INFORMAL RESOLUTION

The informal resolution processes referred to above allow the participants a greater measure of control in the process and in the outcomes than is afforded by formal resolution processes. Depending on the nature of a specific case, informal procedures may not be an appropriate option for parties to pursue. Resolution resulting from an informal process may take many forms but the following aspects of the outcome of the process are consistent:

- a. all parties agree to the resolution;
- b. the resolution is documented in writing; AND
- c. the parties take ownership for the resolution and self-enforce the agreement. The following list of resources may provide assistance with informal resolution of a discrimination or harassment complaint.

- The Office of Safe Disclosure and Human Rights
- Office of the Student Ombuds (OSO)
- Faculty and Staff Relations
- Human Resource Services
- A department Chair or associate Chair, or other official in a department or a Dean or Associate Dean, in the case of a Faculty without department Chairs
- Graduate Student Assistance Program
- University Health Centre
- Counseling and Clinical Services
- Sexual Assault Centre
- University of Alberta Protective Services
- Student Success Centre
- Student Accessibility Services
- International Student Services
- Student Legal Services
- Aboriginal Student Services Centre
- Chaplains' Association
- Association of Academic Staff University of Alberta (AASUA)
- Non-Academic Staff Association (NASA)

Comment [2]: Content relocated from former Allegations Against Students Procedure. Applies to both staff and students.

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FORMAL RESOLUTION

Any party may choose to engage a formal resolution process for a discrimination or harassment complaint at any time without repercussion. Under no circumstances will the lack of willingness to engage in an informal process or failure to reach an informal agreement be held against any party in a formal resolution. A formal resolution process may also be engaged when a resolution reached through an informal process fails.

Comment [3]: Content relocated from former Allegations Against Students Procedure. Applies to both staff and students.

ALLEGATIONS AGAINST FACULTY AND STAFF

1. ALLEGATIONS AGAINST SUPPORT STAFF COMPLAINTS

- a. Resolution procedures for support staff complaints, where the **complainant** and/or the **respondent** are both ~~is a~~ NASA members, are found in Article 18 "*Discrimination and Harassment Complaints*" of the Common Provisions of the NASA Collective Agreement.

2. ALLEGATIONS AGAINST ACADEMIC STAFF COMPLAINTS

- a. Resolution procedures for academic staff complaints, where the respondent is an AASUA member, are found in Article 16 "*Discipline*" of the AASUA Faculty Agreement, the Administrative and Professional Officer Agreement, the Faculty Service Officer Agreement, the Librarian Agreement, and in Article 13 "*Discipline*" of the Sessional and Other Temporary Staff Agreement, Article 14 of the Contract Academic: Teaching Staff Agreement and Article 16 of the Trust/Research Academic Staff Agreement

~~3. STUDENT COMPLAINTS~~

- ~~a. When the complainant is a student and the respondent is an AASUA or a NASA member, resolution procedures are found in Article 16 "*Discipline*" of the AASUA Faculty Agreement, the Administrative and Professional Officer Agreement, the Faculty Service Officer Agreement, the Librarian Agreement, and in Article 13 "*Discipline*" of the Sessional and Other Temporary Staff Agreement, Article 14 of the Contract Academic: Teaching Staff Agreement, Article 16 of the Trust/Research Academic Staff Agreement, and Article 18 "*Discrimination and Harassment Complaints*" of the NASA Collective Agreement.~~
- ~~b. When the complainant and respondent are both students, refer to the *Discrimination and Harassment Allegations Against Students Procedure*.~~
- ~~c. When the complainant is an AASUA or NASA member and a student is the respondent, the Code of Student Behaviour will apply.~~

3. ALLEGATIONS AGAINST STUDENTS

a. Resolution procedures ~~The Code of Student Behaviour is the formal resolution mechanism~~ for complaints of discrimination or harassment raised against a student at the University of Alberta, whether that complaint is raised by another student or by any member of the University community, are found in the *Code of Student Behaviour*.

b. Resolution procedures for complaints against an academically employed graduate student acting in that capacity, are found in the provisions of the Graduate Student Assistantship Collective Agreement.

For further information on both the informal and formal resolution processes, refer to the Discrimination and Harassment Complaint Guideline for Students.

4. ALLEGATIONS AGAINST POSTDOCTORAL FELLOWS (PDFs)

a. Resolution procedures for complaints against postdoctoral fellows are found in the *Postdoctoral Fellows Discipline Procedure*.

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DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. ▲ Top	
Members of the University Community	All employees, (including but not limited to, academic staff, support staff and administrators), adjunct professors, professors emeriti, lecturers, clinical staff, all students (including undergraduate students and graduate students), and post-doctoral fellows.
Discrimination	A distinction, whether or not intentional, based on a characteristic or perceived characteristic referenced in the Protected Grounds that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society.
Harassment	<p>Conduct or comment, either one-time or repeated that:</p> <ul style="list-style-type: none"> a) is demeaning, intimidating, threatening, or abusive; and b) is not trivial or fleeting in nature; and c) causes offence and should have reasonably been expected to offend; and d) serves no legitimate purpose for the work, study or living environment, and e) undermines authority or respect in the work, study or living environment, or impairs work or learning performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive work or learning environment. <p>Harassment includes <u>bullying</u>, which is a form of aggression that may include physical, verbal, or emotional abuse. Bullying poisons the work, study or living environment of the person it targets. It can include persistent, offensive, abusive, intimidating or insulting behavior, abuse of power, and/or unfair sanctions which make the individual feel threatened, humiliated, and/or vulnerable.</p> <p><u>Sexual Harassment</u> may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the work, study or living environment or otherwise leads to adverse consequences for the target of the harassment.</p> <p>It may consist of unwanted sexual attention, sexually oriented remarks or behaviours, or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct, but cannot be trifling. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.</p> <p>The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.</p> <p><u>Racial Harassment</u> involves unwanted or unwelcome comments, conduct</p>

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	or behavior that humiliates, intimidates, excludes or isolates an individual or group by focusing on their race, ethnicity, origin or religion. Overall, racial harassment undermines self-esteem and is a violation of the dignity and security of the individual or group(s) that it targets.
Informal Resolution	These resolutions that achieve remedies agreeable to respondents and complainants, but do not invoke formal resolution procedures. Informal resolutions involve the relevant parties and many include coaching, counseling, supporting, mediating or otherwise facilitating the resolution of the complaint.
Formal Resolution	Resolutions effected through procedures described in the disciplinary clauses or grievance procedures of the University's academic staff agreements or collective agreement or with AASUA and NASA, in the Code of Student Behaviour, in the Postdoctoral Fellows Policy, or in other procedures linked to the Discrimination, Harassment and Duty to Accommodate Policy.
Natural Justice	<p>The University of Alberta strives to ensure that the principles of natural justice, as summarized below, apply to the adjudication of disputes between persons or organizations. For a full outline of the principles and how they are applied, employees should consult their applicable collective or academic staff agreement and students should consult the <i>Code of Student Behaviour</i>.</p> <p>The principles of natural justice include:</p> <ul style="list-style-type: none"> a) members of the University are entitled to representation by the Association to which they belong (AAS:UA, NASA, GSA, SU) or, in the case of students, to receive advice from by the Student OmbudService Office of the Student Ombuds (OSO), Student Legal Services or other student advisors during any stage of the process. b) respondents have the right to know the identity of the complainant and details of a complaint, c) investigations will normally be completed in a timely manner, d) complainants, respondents and witnesses will have protection from reprisals, e) complainants and respondents will have the opportunity to present information in support of their positions and to defend themselves against allegations, and f) complainants and respondents have the right to receive clarification of the investigator's findings, if needed. <p>Unless otherwise noted in the applicable collective or academic staff agreement or the <i>Code of Student Behaviour</i>, this policy does not confer any rights upon complainants or respondents to examine or cross-examine witnesses.</p>
Complainant	<ul style="list-style-type: none"> a. A person who believes they or another person have experienced been a victim of discrimination or harassment and initiates a complaint, or b. The Union or the Employer when making a complaint under Article 18 of the NASA agreement
Respondent	<ul style="list-style-type: none"> a. A person who has been accused of discrimination or harassment by a complainant, or b. The Union or the Employer under Article 18 of the NASA agreement

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RELATED LINKS

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[NASA Collective Agreement \(University of Alberta\)](#)

[Faculty Agreement \(University of Alberta\)](#)

[Administrative and Professional Officer Agreement \(University of Alberta\)](#)

[Faculty Service Officer Agreement \(University of Alberta\)](#)

[Librarian Agreement \(University of Alberta\)](#)

[Sessional Agreement \(University of Alberta\)](#)

[Graduate Student Assistantship Collective Agreement \(University of Alberta\)](#)

[Contract Academic Staff: Teaching Agreement \(University of Alberta\)](#)

[Sessional and Other Temporary Staff Agreement \(University of Alberta\)](#)

[Trust/Research Academic Staff Agreement \(University of Alberta\)](#)

[Code of Student Behaviour \(University of Alberta\)](#)

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Original Approval Date: May 11, 2012

Most Recent Approval:

Duty to Accommodate Procedure

Office of Administrative Responsibility:	Vice Provost and Dean of Students Vice-Provost & Associate Vice-President, Human Resources
Approver:	Provost and Vice-President (Academic)
Scope:	Compliance with this University procedure extends to all members of the University community. Compliance with this University policy extends to academic staff, administrators, colleagues, and support staff as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories) as well as undergraduate and graduate students, postdoctoral fellows, emeriti, members of the Board of Governors, third party contractors, visiting speakers and volunteers.

Overview

The *Alberta Human Rights Act* (the “Act”) prohibits discriminatory conduct against, or effects on, individuals who would, because of a characteristic that falls within a **protected ground**, experience discrimination in the **protected areas** of employment, tenancy and access to goods, services, accommodations and facilities customarily available to members of the public. **Members of the University community**, who would experience discrimination because of a characteristic that falls within a protected ground, have the right to be reasonably accommodated.

The provision of reasonable accommodations gives effect to the inherent dignity of each individual and enables individuals to equitably participate in those protected areas, including services related to post-secondary education. Some of these services include, but are not limited to, participation in or access to course work, practicum and clinical placements, co-op placements, employment, graduate internships, library services, athletic services, school teams, cafeteria services, parking and transport services, computing services, health services, counseling services and others. The University is required to provide reasonable accommodation up to the point of undue hardship, except in cases where the University can show that the discriminatory practice, standard, decision or rule is a “**bona fide requirement**” (**BFR**) or a “**bona fide occupational requirement**” (**BFOR**). Examples of accommodation measures and assessing undue hardship information can be found in a link at the end of this procedure.

Purpose

Accommodation enables equitable participation in the areas of employment, tenancy, education, and access to other goods and services.

Accommodation should be provided in a manner that respects the dignity of the individual, meets the needs of that particular individual, promotes integration and full participation, and respects confidentiality.

Academic accommodation aims to ensure that members of the University community who would experience discrimination based on any of the protected grounds have reasonably equal access to services provided by post-secondary education. These services include but are not limited to course work, practicum and clinical placements, co-op placements, graduate internships, library services, athletic services, school teams, cafeteria services, parking and transport services, computing services, health services, counseling services and others.

The University is required to provide accommodation up to the point of **undue hardship**.

The purpose of this procedure is to set out:

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- the general responsibilities that various University units have to fulfil the duty to accommodate
- the process to request and implement reasonable accommodations and the more specific responsibilities that each party has in the search for reasonable accommodations
- the appeal process in the event there is an alleged failure to reasonably accommodate a member of the University community
- information related to privacy and document retention.

PROCEDURE

GENERAL RESPONSIBILITIES

The **duty to accommodate** is an institutional obligation and a shared responsibility between the University and the member of the University community requiring accommodation. Any department or unit may be called upon to implement accommodation and the primary responsibility for considering and effecting an accommodation, up to the point of undue hardship, rests with the department or unit.

The following parties have additional responsibilities for supporting the duty to accommodate on campus:

Comment [1]: Content previously located in the parent Policy

President, Vice-Presidents, Deans, Directors and Chairs are responsible for:

- Working to inform themselves and members of the University community for whom they are responsible of the provisions of this Policy and Procedure and supporting awareness about duty to accommodate issues.
- Supporting, participating in, and ensuring that within their portfolios, reasonable accommodation is provided ~~when and to the extent required by law.~~ If the need for accommodation is evident, responsibility for providing it may exist even if the person requiring it does not self-identify. Vice-Presidents have specific responsibility for authorizing and providing funds to assess accommodation options and have them implemented.
- Ensuring proper collection, retention of and access to accommodation records, which respects the privacy interests of the individual and the University's need for sufficient information to assess and implement accommodations.

The Office of Safe Disclosure and Human Rights (OSDHR) is responsible for:

- Providing advice and information on policies and procedures relating to the duty to accommodate to complainants, respondents, those requesting accommodation and members of the University community.
- Providing advice and/or referral services to any member of the University community who asks for help in relation to a request for accommodation, including, but not limited to AASUA, NASA, Office of the Student Ombuds (OSO), Student Accessibility Services (SAS) and Human Resource Services (specifically Organizational Health and Effectiveness – OHE).
- Developing and implementing an educational framework focused on informing or training members of the University community ~~of the provisions of~~ about this Procedure. This includes providing guidance on creating a work, study and living environment that is supportive of human rights.
- Monitoring, where possible, resolution processes undertaken to resolve matters that arise under this Procedure to ensure they are fair and equitable for all, and expressing any concerns to the appropriate Vice-President.
- Reporting directly to the Associate Vice-President (Audit and Analysis) and submitting an annual report to General Faculties Council and to the Board of Governors.

Student Accessibility Services (SAS), the office responsible for providing specialized support and accessibility services, is guided by the mandate of the University of Alberta's *Policy for Students with Disabilities* of "attracting and retaining qualified students with disabilities". SAS ~~the office~~ serves prospective and current students whose ~~permanent disabilities involve conditions~~ affecting mobility, vision, hearing, and physical and mental health. It coordinates the process of accommodating students with disabilities in cooperation with faculties, departments, and appropriate units by:

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- Evaluating the impact of barriers in the environment and of the disability (based on formal documentation of disability and student information) in the context of meeting academic program requirements on a case by case basis.
~~Making~~ Recommending and coordinating the implementation of reasonable accommodations while maintaining academic standards ~~and in keeping with the University's policies and human rights legislation.~~
- Promoting and advising on universal design and access to all areas of university life in which students with disabilities participate (such as classroom, lab and field experience learning, housing, recreation, electronic instruction and communication and university events).
- Working closely with university Facilities and Operations through the Accessibility Advisory Committee to promote universal design in capital projects.
- Guiding departments/units in understanding equity issues and the accommodation process to mitigate accessibility barriers for students with disabilities.
- Working closely with the offices that provide services to students, environmental health and safety services, safe disclosure and human rights services, and specific units in supporting students with disabilities.

Human Resource Services (HRS) has primary responsibility for disability management and ~~permanent~~ accommodation due to physical or mental disability for faculty and staff. HRS works in close liaison with faculties, departments, and other administrative units to promote an inclusive and accessible teaching, research, and work environment for employees with disabilities and to advance recruitment initiatives consistent with the University's employment equity plan. To that end, HRS:

- Promotes barrier-free workspaces and inclusive practices that accommodate disability.
- Recommends and facilitates specific accommodations which promote the individual's ability to meet work and professional competencies ~~while diminishing impact of disability.~~
- Facilitates reasonable accommodation efforts and provides support to employees with disabilities and their supervisors and units.
- Provides consultation to, or referral of, faculty and staff members who experience difficulty meeting professional or work-related responsibilities due to disability.
- Provides advice and assistance to staff members and departments regarding adaptive technology and software, communication support for deaf and hard of hearing employees and ergonomic furniture and equipment, and administers the University's Reasonable Accommodation Fund.
- Works closely with University Facilities and Operations through the Accessibility Advisory Committee to promote universal design in capital projects.

A large variety of additional specialized support services can provide information, counseling, and support to persons involved in issues of discrimination, harassment, and accommodation. Those seeking advice or information as it pertains to University policy are encouraged to contact the Office of Safe Disclosure and Human Rights or the Office of the Student Ombuds (OSO), which can also provide referrals to the support service units.

ACCOMMODATION PROCESS

At all stages of the accommodation process, ~~responses should be timely and constructive. of providing accommodation, timeliness is critical.~~ Requests for accommodation will be considered on a case by case basis, and decisions will be made within a timeframe that is respectful of both individual needs and operational realities. ~~Examples of accommodation measures and assessing undue hardship information can be found in a link at the end of this procedure.~~

Both the person seeking accommodation and the University have rights and responsibilities in the accommodation process. These are generally outlined below.

1. THE PERSON ~~REQUIRING~~ REQUESTING ACCOMMODATION IS RESPONSIBLE FOR:

- a. Reviewing the University's policy regarding accommodation, and in the case of an employee, the relevant provisions of any applicable collective or academic staff agreement;

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- b. Making ~~his or her~~ **their** needs known to the best of ~~his or her~~ **their** ability, preferably in writing, so that the person responsible for assessing and implementing accommodation may engage in a dialogue about possible accommodations;
- c. Making timely disclosure of the request for accommodation, preferably before adverse consequences are experienced;
- d. Answering questions or providing information about relevant restrictions or limitations, including information from health care professionals, where appropriate, and as needed;
- e. Participating in discussions about possible accommodation solutions;
- f. Cooperating with any experts whose assistance is required to manage the accommodation process;
- g. Meeting agreed upon performance standards once accommodation is provided;
- h. Working with the accommodation provider in an ongoing manner to manage the accommodation process.
- i. **If the individual is a student, making application for provincial and federal grants to defray the cost of accommodation.**

2. THE UNIVERSITY IS RESPONSIBLE FOR:

~~Responding to a request for accommodation in a timely and constructive way.~~ The duty to accommodate is triggered when ~~the an individual requiring requests accommodation makes the request, or where in the case of an unreported disability, when~~ the University should reasonably have known that ~~the an individual suffered from~~ **has** a disability requiring accommodation.

Once aware that accommodation is, or may be, required, the appropriate University representative is responsible for:

- a. Requesting from the individual in need of accommodation whatever medical or other information is reasonably necessary to assess the need for accommodation and to identify sufficiently that individual's specific needs. Assistance may be requested from offices including but not limited to:
 - i. ~~For student queries – Student OmbudService (SOS)~~ **Office of the Student Ombuds (OSO) or Specialized Support and Disability Services (SSDS)** **Student Accessibility Services (SAS) for student queries**
 - ii. ~~For academic and support staff queries –~~ **Organizational Health and Effectiveness (OHE) for academic and support staff queries**
 - iii. ~~If Office of Safe Disclosure and Human Rights (OSDHR), if unsure~~ **of the appropriate body to address the query** ~~for initial queries for members of the University community.~~
- b. Considering the specific needs of the individual, in consultation with ~~SSDS, HPaWS~~ **SAS, OHE** and/or OSDHR as appropriate, determine what accommodation (short of undue hardship) can be made in order to **remove barriers to** allow the individual to continue in employment, studies, research or other activities and to access the facilities and services of the University.
- c. If the accommodation under consideration may impinge upon or conflict with:
 - i. the terms of the staff agreements for **Administrative and Professional Officers**, Librarians, Sessional or Other Temporary Staff, Trust/Research Academics, agreements for excluded support staff or the NASA collective agreement, then ~~the Employee Relations unit (in Human Resource Services)~~ should be consulted for advice, assistance or input.
 - ii. the terms of the agreements with postdoctoral fellows, graduate teaching/research assistants, AASUA Faculty, Contract Academic Staff, Teaching or Faculty Service Officers, then the Faculty and Staff Relations office (in the Office of the Provost & Vice-President Academic) should be consulted for advice, assistance or input.

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iii. the **academic or employment** qualifications, educational program requirements or performance standards set by the University's governing bodies, then the Office of the Dean (or delegate) for the Faculty should be consulted for advice, assistance or input.

d. Doing what is required to provide accommodation to support an individual affected by discrimination, to the extent required by the law. For example, exceptions will be made for certain types of permissible discrimination recognized under the Alberta Human Rights Act such as age and marital status discrimination permitted for pension plans.

~~3. ALTERNATE AVENUES OF COMPLAINT~~

~~If it is determined that other avenues of complaint/appeal may be more appropriate, guidance will be provided to the complainant by SOS, SSDS, HPaWS or OSDHR as to the options available for consideration.~~

3. APPEALS

When efforts to arrange accommodation **for students or staff** at the Department or Unit level are unsuccessful, a review may be conducted by the Dean (or delegate) of the relevant Faculty **or equivalent authority within an administrative department**, and **by** the offices of administrative responsibility for this policy (see page 1 of this procedure). Seeking such advice as is necessary, they will determine whether **reasonable** accommodation can be made at an institutional level.

If it is determined that other avenues of complaint/appeal would be more appropriate, guidance will be available from the Office of Safe Disclosure and Human Rights or ~~Student Ombud~~**Service Office of the Student Ombuds (OSO)** on any internal or external options.

Comment [2]: Relocated from 6.

~~4. PRIVACY~~

The University will respect the individual's dignity and privacy throughout the accommodation process, subject to such reasonable exceptions as are necessary to assess and implement accommodation. ~~Exceptions to privacy may arise when the safety of individuals is at risk or if disclosure is required by law.~~ The University will provide details of the accommodation to those who need to know, and will ~~consult with~~ **notify** the individual who has sought accommodation about those disclosures. **Exceptions to privacy may arise when the safety of individuals is at risk or if disclosure is required by law, or otherwise in accordance with the Freedom of Information and Protection of Privacy Act.**

Comment [3]: Relocated from 5.

~~4.5. DOCUMENT RETENTION~~

- a. When produced, the University, through the offices of ~~SSDS or HPaWS~~ **SAS or OHE** or the employee's home department or unit, will retain written records **produced in the accommodation process**, according to the University's retention schedule and ~~in accordance with~~ **any applicable** legislation, of the:
- ~~request for accommodation, and the date required~~ **the request was made,**
 - options considered,
 - form of accommodation offered to the affected individual, **if any**, and ~~her or his~~ **their** response, and
 - date the accommodation request was concluded, if applicable.

~~5. PRIVACY~~

~~The University will respect the individual's dignity and privacy throughout the accommodation process, subject to such reasonable exceptions as are necessary to assess and implement accommodation. Exceptions to privacy may arise when the safety of individuals is at risk or if disclosure is required by law. The University will provide details of the accommodation to those who need to know, and will consult with the individual who has sought accommodation about those disclosures.~~

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6. APPEALS

When efforts to arrange accommodation at the Department or Unit level are unsuccessful, a review may be conducted by the Dean (or delegate) of the relevant Faculty and the offices of administrative responsibility for this policy (see page 1 of this procedure). Seeking such advice as is necessary, they will determine whether accommodation can be made at an institutional level.

If it is determined that other avenues of complaint/appeal would be more appropriate, guidance will be available from the Office of Safe Disclosure and Human Rights or Student OmbudService on any internal or external options.

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. ▲Top	
Members of the University Community	All employees, (including but not limited to, academic staff, support staff and administrators), adjunct professors, professors emeriti, lecturers, clinical staff, all students (including undergraduate students and graduate students), and post-doctoral fellows.
Accommodation	<p>Accommodation is the process of making reasonable adjustments to the delivery of services and the conditions of employment in order to reduce or eliminate the impact of discriminatory rules, policies, practices, standards, terms of employment, or decisions, which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the Protected Grounds. Accommodation is a shared responsibility between the University and the individual in need of accommodation, and is assessed on the unique circumstances of each individual. The process requires reasonable accommodation, not instant or perfect accommodation. The recipients of accommodation (e.g. students and staff) may be required to try different accommodation options. The University is required to provide reasonable accommodation up to the point of undue hardship.</p> <p>Accommodation of students neither requires nor implies that the University lower its academic standards. Nor does accommodation relieve the student of that student's responsibility to develop the essential skills and competencies required by programs. Accommodation neither requires nor implies that the University lower its academic or professional standards. Nor does accommodation relieve students of the responsibility to demonstrate the essential skills and competencies required by programs or staff of the responsibility to meet the performance requirements of a position in which they are accommodated.</p>
Undue Hardship	<p>The University has a duty to take reasonable steps to accommodate individual needs to the point of undue hardship. Undue hardship occurs when accommodation would create onerous conditions for the University.</p> <p>While undue hardship will be decided in the circumstances of each case, onerous conditions, including but not limited to the following, should be considered:</p> <ol style="list-style-type: none"> a) when there is a risk to the safety of others or a substantive risk of personal injury to the person seeking accommodation. b) when financial cost is such that a program or service would cease to exist due to the financial burden of the accommodation, or other circumstances where it would be unreasonable to expect the University to bear the costs of accommodation. c) When accommodation alternatives would result in lowering performance standards or in substantive job requirements being

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	<p>unmet.</p> <p>d) When the accommodation would be unduly disruptive to an academic staff or collective agreement or cause substantial detrimental effect on other employees.</p> <p>e) When an educational accommodation would result in essential elements of a service or a program not being offered to other students, or cause a detrimental effect on other students, as a result of accommodating an individual or a group of students.</p> <p>All students are bound by the Code of Student Behaviour. Accommodation of students neither requires nor implies that the University lower its standards nor does accommodation relieve the student of their responsibility to develop the essential skills and competencies required by programs.</p>
<p>Bona fide requirement (BFR) / Bona fide occupational requirement (BFOR)</p>	<p>A limitation on individual rights may be reasonable and justifiable if the university can show that a discriminatory practice, standard, decision or rule is a "bona fide requirement" (BFR) or "bona fide occupational requirement" (BFOR). To justify such a determination, the University must demonstrate, on a balance of probabilities, that the impugned practice, standard, decision or rule:</p> <p>a) was adopted for a rational purpose connected to the performance of the job or the provision of the service;</p> <p>b) was adopted in an honest and good faith belief that it was necessary to the fulfillment of the job or service;</p> <p>c) is reasonable and necessary to the fulfillment of the job or service.</p>
<p>Duty to Accommodate</p>	<p>The duty to accommodate obligates the University to make reasonable adjustments, to the point of undue hardship or as required by law, to the delivery of services (including teaching and the method of evaluation) and the conditions of employment in order to reduce or eliminate the impact of discriminatory rules, policies, practices, standards, terms of employment, or decisions, which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the Protected Grounds.</p>
<p>Protected Grounds</p>	<p>Discrimination is prohibited based on the following protected grounds:</p> <p>a) race</p> <p>b) colour</p> <p>c) ancestry</p> <p>d) place of origin</p> <p>e) religious beliefs</p> <p>f) gender, gender expression and gender identity (including pregnancy and gender identity)</p> <p>g) physical disability</p> <p>h) mental disability</p> <p>i) marital status</p> <p>j) family status</p> <p>k) source of income</p> <p>l) sexual orientation</p> <p>m) age</p> <p>n) political beliefs;</p> <p>or any other groups as amended from time to time.</p>
<p>Protected Areas</p>	<p>Discrimination is prohibited in the following protected areas:</p> <p>a) employment</p> <p>b) tenancy</p> <p>c) access to goods and services</p> <p>d) access to accommodations or facilities customarily available to</p>

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	members of the public
Discrimination	A distinction, whether or not intentional, based on a characteristic or perceived characteristic referenced in the Protected Grounds that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society.

RELATED LINKS

Should a link fail, please contact uappol@ualberta.ca. [[▲ Top](#)]

Alberta Human Rights Act (Government of Alberta)

Sample Form – Notification of Need for Accommodation, Clarification of Need and Outcome of Accommodation Request (Canadian Human Rights Commission)

Reasonable Accommodation Fund (University of Alberta)

Financial Resources (University of Alberta)

[Alberta Human Rights Commission Interpretive Bulletin on Duty to Accommodate](#)

[Alberta Human Rights Commission Interpretive Bulletin on Duty to Accommodate Students with Disabilities in Post-Secondary Educational Institutions \(Alberta Human Rights Commission\)](#)

Consultation on Updates to the Discrimination, Harassment and Duty to Accommodate Policy

Summary of Input from the Non-Academic Staff Association Meeting of October 18, 2016

Discrimination, Harassment and Duty to Accommodate Policy	
<p>Overview, 2. Responsibility</p> <ul style="list-style-type: none"> - Revise references to “university community” to match Policy’s revised Scope statement 	Implemented wherever relevant
<p>Policy, 1. Discrimination or Harassment</p> <ul style="list-style-type: none"> - Third paragraph, strengthen language to clarify that if a complaint is upheld, appropriate action will be taken regardless of the seniority of the offender 	Implemented
<p>Policy, 2. Duty to Accommodate</p> <ul style="list-style-type: none"> - Retain description of BFOR within the body of the policy 	Implemented, preceded by the following statement: “The University will apply current relevant legal requirements in making such a determination.” This statement is intended to convey that should the test outlined in the policy by superseded by changes in case law, the University will observe legal requirements.
<p>Policy, 3. General Responsibility</p> <ul style="list-style-type: none"> - First paragraph, change “accommodates” to “accommodation - In statement of institutional responsibility, clarify that this applies to the Board of Governors and General Faculties Council - Bulleted list, second bullet: reorganize sentence for clarity - Retain the statement that the university will review the resources needed to carry out this policy 	<p>Implemented</p> <p>Implemented</p> <p>Implemented</p> <p>On review with General Counsel, this commitment is believed to be implied in the institutional responsibilities outlined in the Policy – i.e., the University is already obligated under the Policy to provide resources sufficient to fulfill its obligations.</p>
<p>Definitions</p> <ul style="list-style-type: none"> - Respectful Environment: add reference to electronic communication to match the statement contained in the body of the policy - Undue hardship: remove reference to Code of Student Behaviour 	<p>Implemented</p> <p>Implemented</p>

Discrimination and Harassment Procedure	
Formal Resolution, 1. Allegations against support staff, a. <ul style="list-style-type: none"> - Change “respondent is a NASA member” to “complainant and/or respondent is a NASA member” 	Implemented
Informal Resolution <ul style="list-style-type: none"> - Add AASUA and NASA to bulleted list 	Implemented
Duty to Accommodate Procedure	
Overview <ul style="list-style-type: none"> - First paragraph, final sentence: change “may have the right...” to “have the right” 	Implemented
Procedure, General Responsibilities <ul style="list-style-type: none"> - In description of Human Resource Services, correct second sentence to read “HRS works in close liaison with faculties” 	Implemented
Procedure, Accommodation Process, Preamble <ul style="list-style-type: none"> - Clarify that response should be both timely and constructive 	Implemented
Procedure, Accommodation Process, 2. The University if Responsible for <ul style="list-style-type: none"> - c. Change “HR Partnerships Unit” to “HRS” 	Implemented
Procedure, Accommodation Process, 3. Appeals <ul style="list-style-type: none"> - Add reference to the possibility of review by the head of an administrative department 	Implemented
Procedure, Accommodation Process, 4. Privacy <ul style="list-style-type: none"> - Clarify which party is empowered to determine when consultation will unduly compromise safety or timeliness 	Removed text in question In preceding sentence, changed “consult with” to “notify” for greater specificity concerning the university’s obligation to inform the individual requesting accommodation Moved sentence beginning “Exceptions to...” to the end of the paragraph and added “or otherwise in accordance with the Freedom on Information and Protection of Privacy Act”
Definitions <ul style="list-style-type: none"> - Undue Hardship: remove reference to Code of Student Behaviour 	Implemented
Related Links <ul style="list-style-type: none"> - Add Alberta Human Rights Commission Interpretive Bulletin on Duty to Accommodate 	Implemented

Other items discussed:

- The Procedures do not provide a process for dealing with allegations against persons other than staff, students and postdoctoral fellows. This may require future consideration.
- Additional communication may be required to clarify that protections for pregnancy remain in place under the protected grounds of gender, gender identity and gender expression.

OUTLINE OF ISSUE
Action Item

Agenda Title: **Proposed Changes to the Helping Individuals at Risk (HIAR) Policy and Procedure**

Motion: THAT General Faculties Council, as recommended by the GFC Academic Planning Committee, recommend that the Board of Governors approve the proposed revisions to the Helping Individuals at Risk (HIAR) Policy and Procedure as set forth in Attachments 1 and 2, to take effect upon final approval.

Item

Action Requested	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Recommendation
Proposed by	Provost and Vice-President (Academic); Vice-President (Finance and Administration)
Presenter	André Costopolous, Vice-Provost and Dean of Students and Wayne Patterson, Executive Director and Acting Associate Vice-President (Human Resources)

Details

Responsibility	Provost and Vice-President (Academic); Vice-President (Finance and Administration)
The Purpose of the Proposal is (please be specific)	The Helping Individuals at Risk (HIAR) Policy and Procedure (UAPPOL) was approved in 2010. The policy requires that a review of the suite be conducted after three years. Consultations on these changes began in 2013. The proposed changes remove many of the operational directives and details which were included when approved in 2010 which were intended to guide the program implementation. Friendly edits to names of support units and departments and to gendered language have also been made.
The Impact of the Proposal is	The revised policy and procedure have improved clarity and preserve the intent of the documents as approved in 2010.
Replaces/Revises (eg, policies, resolutions)	Helping Individuals at Risk Policy (approved March 26, 2010) Helping Individuals at Risk Procedure (approved March 26, 2010)
Timeline/Implementation Date	Upon final approval
Estimated Cost and funding source	N/A
Next Steps (ie.: Communications Plan, Implementation plans)	N/A
Supplementary Notes and context	A substantive change to include <i>Academically At Risk</i> as a criteria for assessing individuals at risk was included in early consultations. This change is not included in the final proposed changes.

Engagement and Routing (Include meeting dates)

Participation: (parties who have seen the proposal and in what capacity)	<u><i>Those who have been informed:</i></u>
	•
<For further information see the link posted on the Governance Toolkit section	<u><i>Those who have been consulted:</i></u>
	<ul style="list-style-type: none"> • Dean's Council, December 2013 • HR – Organizational Health and Effectiveness (Gerry McCune), February 2013 • Vice-Provost and Dean, Faculty of Graduate Studies and

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<p>Student Participation Protocol></p>	<p>Research (Mazi Shirvani and Heather Zwicker), October 2014, February 2015</p> <ul style="list-style-type: none"> • HR Consulting Services (Dan Charlton) November, 2014 • Provost’s Advisory Committee of Chairs (PACC) , December, 2014 • AASUA, NASA Meeting, November 2014 • Students’ Union, Graduate Students’ Association Meeting, November 2014 • Vice-Provost (Learning Initiatives) (July, 2015) • Vice-Provost (Programs) (July, 2015) • Vice-Provost (Programs), January 11, 2016 • Information and Privacy Office (Diane Alguire), February 2, 2016 • PSO Policy Champs Working Group, February 2016 • Residence Services, September 28, 2016 • AASUA, March 2016 (no comments) • GFC Campus Law Review Committee – October 27, 2016 <p><i>Those who are actively participating:</i></p> <ul style="list-style-type: none"> • Vice-Provost and Dean of Students (Robin Everall and André Costopoulos) • Associate Vice-President (Internal Audit Services) (Mary Persson) • University General Counsel (Brad Hamdon) • Director, Helping individuals at Risk Program (Kris Fowler)
<p>Approval Route (Governance) (including meeting dates)</p>	<p>GFC Academic Planning Committee – December 14, 2016 GFC Executive Committee – January 16, 2017 General Faculties Council – January 30, 2017 Board Safety, Health and Environment Committee – March 1, 2017 Board of Governors – March 17, 2017</p>
<p>Final Approver</p>	<p>Board of Governors</p>

Alignment/Compliance

<p>Alignment with Guiding Documents</p>	<p><i>For the Public Good</i></p> <p>GOAL: SUSTAIN Our success as an institution will be determined by our support for our people...</p> <p>OBJECTIVE 19: Prioritize and sustain student, faculty, and staff health, wellness, and safety by delivering proactive, relevant, responsive, and accessible services and initiatives. Strategy i: Develop an integrated, institution-wide health and wellness strategy, which increases the reach and effectiveness of existing health and wellness resources, programs, and services, and promotes resilience and work-life balance. Strategy ii: Bolster resources for and increase access to mental health programs that provide support to students, faculty, and staff. Strategy iii: Endorse a strong culture of safety awareness, knowledge, planning, and practice to ensure the safety of students, employees, and visitors to our campuses.</p> <p>OBJECTIVE 21: Encourage continuous improvement in administrative,</p>
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	<p>governance, planning, and stewardship systems, procedures, and policies that enable students, faculty, staff, and the institution as a whole to achieve shared strategic goals.</p> <p>Strategy ii: Ensure that individual and institutional annual review processes align with and support key institutional strategic goals.</p>
<p>Compliance with Legislation, Policy and/or Procedure Relevant to the Proposal (please <u>quote</u> legislation and include identifying section numbers)</p>	<ol style="list-style-type: none"> 1. Post-Secondary Learning Act (PSLA): Alberta’s Post-Secondary Learning Act (PSLA) gives the Board of Governors the authority to “develop, manage and operate, alone or in co-operation with any person or organization, programs, services and facilities for the educational or cultural advancement of the people of Alberta” (Section 60(1)). Further, the Board of Governors “must consider the recommendations of the general faculties council, if any, on matters of academic import prior to providing for [...] any other activities the board considers necessary or advantageous.” (Section 19(c)) 2. Post-Secondary Learning Act (PSLA): The PSLA gives GFC responsibility, subject to the authority of the Board of Governors, over academic affairs (Section 26(1)). 3. Campus Law Review Committee (CLRC) Terms of Reference “E. Other GFC Regulations 1. From time to time the Chair of GFC CLRC will bring forward to GFC CLRC items where the Office of the Provost and Vice-President (Academic), in consultation with other units or officers of the University, is seeking the advice of the committee. These matters may include, but are not limited to, rules and regulations, other than discipline codes.” 4. GFC Academic Planning Committee Terms of Reference (Mandate): “The Academic Planning Committee (APC) is GFC's senior committee dealing with academic, financial and planning issues. [...] [T]he President, Provost and Vice-President (Academic) or other Vice-Presidents may refer any matter to APC for consideration or recommendation to GFC. APC is also responsible to GFC for promoting an optimal learning environment for students and excellence in teaching, research, and graduate studies.” “APC is responsible for making recommendations to GFC and/or to the Board of Governors concerning policy matters and action matters with respect to the following: [...]” 15. Other a. To recommend to the Board of Governors and/or GFC on any other matter deemed by APC to be within the purview of its general responsibility. 4. GFC Executive Committee Terms of Reference (3. Mandate) “GFC has delegated to the Executive Committee the authority to decide which items are placed on a GFC Agenda, and the order in which those agenda items appear on each GFC agenda. [...]” When recommendations are forwarded to General Faculties Council from APC, the role of the Executive shall be to decide the order in which

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	<p>items should be considered by GFC. The Executive Committee is responsible for providing general advice to the Chair about proposals being forwarded from APC to GFC.”</p> <p>5. General Faculties Council Terms of Reference (Mandate) “The issues which remain with GFC or which would be referred by a Standing Committee to GFC would generally be in the nature of the following: • high level strategic and stewardship policy issues or matters of significant risk to the University”</p> <p>6. Board Safety, Health and Environment Committee (BSHEC) Terms of Reference: “3. Mandate of the Committee Without limiting the generality of the foregoing the Committee shall: a) provide oversight regarding the environmental health, safety and security of the University community: (i) approve University policies and procedures relating to environmental health, safety, and security issues and compliance therewith; b) provide oversight regarding student health and wellness initiatives and strategies on campus: (i) review and approve University policies and procedures relating to student health and wellness issues;</p>
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Attachments

1. Helping Individuals At Risk Policy (pages 1 - 2)
2. Helping Individuals At Risk Procedure (pages 1 - 3)

Prepared by: Kate Peters, Portfolio Initiatives Manager, peters3@ualberta.ca

Approval Date: March 26, 2010

Most Recent Approval:

Helping Individuals at Risk Policy

Office of Accountability:	Provost and Vice-President (Academic) / Vice-President (Finance and Administration)
Office of Administrative Responsibility:	Vice-Provost and Dean of Students Office / Vice-Provost & Associate Vice-President, Human Resources
Approver:	Board of Governors
Scope:	Compliance with University policy extends to all members of the University community. <u>Compliance with this University policy extends to all academic staff, administrators, colleagues, and support staff as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories); and third party contractors, visiting speakers, volunteers, Emeriti, undergraduate students, graduate students, Postdoctoral Fellows and Visitors to Campus.</u>

Overview

The University is committed to supporting a healthy academic and work environment. Recognizing **At Risk Behaviour** and responding with interest and concern are critical factors in preventing potential violence (including harm to self, others and University property). The objective of this Policy is to create a system that will allow for the gathering of reports of At Risk Behaviour from across the University in order to facilitate a “connecting of the dots” of what could otherwise be viewed as isolated and less urgent incidents. If the connection between those incidents leads to the conclusion that an individual is in need of assistance, the existing support systems in place for members of the University community would work with the **Individual at Risk** in an effort to provide that individual with the assistance required and therefore minimize the possibility of a situation escalating.

It is important to recognize that the University also has systems in place for dealing with disciplinary matters (e.g. The Code of Student Behaviour and the various collective agreements), and for dealing with cases of imminent danger (e.g. The Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct (GFC Policy 91) and the Emergency Management ~~Plan~~Office).

Purpose

The purpose of this policy is to facilitate early identification of At Risk Behaviour and create a system designed to receive and consolidate reports of At Risk Behaviour. Consolidating reports of At Risk Behaviour will enable ~~a team to identify~~identification of situations in which seemingly isolated incidents are, in fact, connected so that the At Risk Behaviour can be properly assessed and the Individual At Risk offered assistance when deemed appropriate. Doing so should result in increased mental wellness and/or a decreased risk of violence and at the same time reduce the likelihood of matters escalating.

This policy also offers an opportunity for concerned members of the University Community to report At Risk Behaviour.

POLICY

1. ~~The University will have an **Individuals at Risk Case Team**. Its mandate is to promote early identification of At Risk Behaviour, encourage reporting of such behaviour to the appropriate **Support Unit** or the **Case Team Coordinator**, receive and consolidate those reports, and, if help is not already being provided, refer the matter to the appropriate Support Unit.~~ The University will have a system for identifying Individuals At Risk.
2. ~~The **Individuals At Risk Case Team** is responsible for the education of the community.~~ University will work proactively to educate students, staff, faculty and post-doctoral fellows on recognizing and supporting Individuals at Risk, and on this policy and related procedure. This mandate would include providing specialized training to key positions in the Support Units.
3. ~~The **Individuals at Risk Case Team** will develop and maintain record~~ Record retention protocols ~~which are~~ in alignment with the *Freedom of Information and Protection of Privacy (FOIPP) Act* and existing University policies will be maintained.
4. When information gathered in the course of administration of this Policy is more appropriately addressed through the Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct, the information will be referred to the appropriate party as set out in the Protocol. General Faculties Council Policy Manual Section ~~Proceel~~ 91. The files under this policy and procedure will not be used in any other University process except the Protocol.
5. ~~The **Individuals at Risk Case Team**~~ University shall protect the identity of the person making the report to the extent possible under government legislation, University policies, and collective agreements. The person or persons who originated the report and/or brought it to the attention of the ~~**Individuals at Risk Case Team**~~ University can waive that protection to the extent that it applies to them.
6. The University will not tolerate any reprisal, directly or indirectly, against anyone who, in good faith and based on reasonable belief, makes a report. Reports shall not be malicious, frivolous or vexatious.
7. All individuals about whom a report is made will maintain the rights, privileges and protections afforded to them through the *Freedom of Information and Protection of Privacy (FOIPP) Act* and other applicable government legislation, University policies, and collective agreements.
8. Anonymous reports will normally not be acted upon under this Policy without corroborating information.
9. The Case Team Coordinator will report annually to General Faculties Council and to the Board of Governors after each year of operation, subject to privacy concerns, ~~with a formal review of the policy and procedure to occur after three years of operation.~~

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [▲ Top](#)

At Risk Behaviour	A person's words or conduct that, while not indicative of a clear immediate threat, give rise to a reasonable apprehension that he or she they may engage in conduct injurious to others or himself or herself themselves in the future.
Individual at Risk	A member of the University community <u>as defined in the Scope section</u> who has exhibited At Risk Behaviour.
Individuals at Risk Case Team	A team involved in the assessment of and response to concerns about an Individual at Risk.



Support Unit	A unit or department at the University that, as part of its regular duties, provides assistance to students or staff. Examples include a faculty or department, Human Resource Services (e.g., Health Promotion and Worklife Services) and University Student Services (e.g. Student Counselling Services or Residence Services).
Case Team Coordinator	The individual who chairs, and has general administrative responsibility for, the Individuals at Risk Case Team.

RELATED LINKS

Should a link fail, please contact uappol@ualberta.ca. [\[▲ Top\]](#)

There are no related links for this policy.

PUBLISHED PROCEDURES OF THIS POLICY

[Helping Individuals at Risk Procedure](#)

Approval Date: March 26, 2010

Most Recent Approval:

Parent Policy: [Helping Individuals at Risk Policy](#)

Helping Individuals at Risk Procedure

Office of Administrative Responsibility:	Vice-Provost and Dean of Students Office / Vice-Provost & Associate Vice-President, Human Resources
Approver:	Board Safety Health and Environment Committee
Scope:	Compliance with University procedure extends to all members of the University community. Compliance with this University policy extends to all academic staff, administrators, colleagues, and support staff as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories); and third party contractors, visiting speakers, volunteers, Emeriti, undergraduate students, graduate students, Postdoctoral Fellows and Visitors to Campus.

Overview

The Helping Individuals at Risk Policy provides a framework for the creation of a system in which seemingly isolated incidents of **At Risk Behaviour** are connected. The consolidation of such reports will ~~enable the Individuals at Risk Case Team to~~ ensure that appropriate assessment and referral for assistance take place. It is expected that **Support Units** will continue to be the main contact and service provider to an **Individual at Risk**.

Purpose

The purpose of the Procedure is to provide details on the processes to be followed to connect and respond to incidents of At Risk Behaviour, ~~including the formation of the Individuals at Risk Case Team.~~

PROCEDURE

1. Any ~~individual on campus~~ person who observes At Risk Behaviour should report that behaviour to the Helping Individuals at Risk Office in accordance with this Procedure ~~and the Reporting Protocols [see attached Info-Doc]~~ in order to ensure that the Individual At Risk is offered appropriate help.
2. ~~The Individuals at Risk Case Team~~ Key internal stakeholders will be ~~chaired by a Case Team Coordinator and engaged as needed to address reported At Risk Behaviours. This will include representation from, as appropriate,~~ the Dean of Students Office, Residence Services, Human Resource Services/Faculty and Staff Relations, ~~Campus Security Services and, if the Case Team Coordinator concludes that it is appropriate, a senior academic administrator from the faculty and University of Alberta Protective Services. A representative from the Faculty(ies) or faculties administrative unit involved. The Individuals at Risk Case Team may call on the expertise of,~~ and internal or external advisors.
3. ~~Reporting At Risk Behaviour to the local Support Unit is the preferred approach. However, reports,~~ may also be submitted to the Case Team Coordinator called upon to assist.
- 4.3. If a **Support Unit** receives a report of At Risk Behaviour, it must advise the ~~Case Team Coordinator~~ Helping Individuals At Risk Office as soon as possible. However, it is recognized that service providers working within the Support Units are may be subject to legal, professional and ethical standards relating to client confidentiality which this policy and procedure do not usurp. Service providers are to apply their best professional judgment and expertise to

each situation and make decisions about reporting and disclosure that balance their responsibilities under this policy and procedure with their professional obligations.

~~5. The Case Team Coordinator will receive reports, seek further information or clarification as needed, determine whether there might be a relationship between seemingly unrelated incidents, and gather the Individuals at Risk Case Team, as appropriate. Every effort will be made to work with the Support Unit(s) from which the report(s) originated.~~

~~6. The Individuals at Risk Case Team will meet at such times as the Case Team Coordinator deems necessary to develop an appropriate action plan.~~

~~7. The Individuals at Risk Case Team will provide or facilitate coordinated assessment of available information and appropriate responses and appropriate follow up where Individuals at Risk are identified.~~

~~8. The Individuals at Risk Case Team will refer cases~~4. Cases of At Risk Behaviour that ~~it deems~~are deemed to require intervention will be referred to the appropriate Support Unit(s).

~~9. The Individuals at Risk Case Team will, subject~~5. Subject to protection of privacy considerations, ~~follow up with~~ the person who brought the concern ~~to them to provide~~forward will be provided information on the steps that have been taken.

~~10. This Policy and Procedure do not apply to individuals exhibiting At Risk Behaviour who are not members of the University community. If the Case Team Coordinator receives a report about such an individual, the Case Team Coordinator can refer the matter to Campus Security Services or to the relevant Support Unit,~~

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [[▲Top](#)]

At Risk Behaviour	A person's words or conduct that, while not indicative of a clear immediate threat, give rise to a reasonable apprehension that he or she <u>they</u> may engage in conduct injurious to others or himself or herself <u>themselves</u> in the future.
Individual at Risk	A member of the University community who has exhibited At Risk Behaviour.
<u>Helping Individuals at Risk Case Team Office</u>	A team involved in <u>The office with responsibility to receive reports and coordinate</u> the assessment of and <u>At Risk Behaviour and to support a response to concerns about an Individual at Risk where required.</u>
Support Unit	A unit or department at the University that, as part of its regular duties, provides assistance to students, <u>faculty</u> or staff. Examples include a faculty or department, Human Resource Services (e.g., Organizational Health Promotion and Worklife Services) <u>Effectiveness, HR Partnerships, Faculty and Staff Relations</u>), and University Student Services (e.g. Student Counseling and Clinical <u>Services</u> or Residence Services).

~~**Case Team Coordinator** The individual who chairs, and has general administrative responsibility for, the Individuals at Risk Case Team.~~

FORMS

There are no forms for this Procedure. [[▲Top](#)]



U of A Policies and Procedures On-Line (UAPPOL)

RELATED LINKS

Should a link fail, please contact uappol@ualberta.ca. [[▲ Top](#)]

~~[Helping Individuals at Risk Reporting Protocols \(University of Alberta\)](#)~~