

<b>University of Prince Edward Island</b>	<b>Policy No.</b> TBA	<b>Revision No.</b> 0
<b>Policy Title:</b> Harassment & Discrimination Policy		<b>Page 1 of 16</b>
<b>Creation Date:</b> TBA	<b>Version Date:</b> TBA	<b>Review Date:</b> TBA
<b>Policy Approval Authority:</b> Board of Governors	<b>Designated Executive Officer:</b> Vice-President People and Culture	<b>WWW Access:</b> Yes

This policy shall be effective on DATE and replaces the Fair Treatment Policy.

**A. Preamble**

1. This policy has been developed by and for our university community. It is rooted in the right and responsibility we all share to a culture of trust, safety and inclusion in our teaching, learning, research, work and all that we do at the university. We all have a role to play in building that culture; our community thrives when we treat each other with respect and value each other's contributions.
2. The university has the ethical and legal responsibility to maintain an environment free of Harassment and Discrimination. That responsibility includes awareness of what constitutes discrimination, harassment and psychological harassment, delivering proactive education, ensuring supervisors are monitoring the environment in their area(s) and are knowledgeable of reporting procedures, and responding to harassing or discriminatory behaviour in a timely and effective manner. While those who have been the subject of a violation of this policy generally have the right to choose the process by which a violation is addressed, nothing in this policy precludes the right of the university to take action as may be necessary to meet its ethical and legal responsibility; this may include initiating an investigation.

**B. Purpose**

3. The purpose of this policy is to provide a mechanism for the prevention of harassment and discrimination at the university and, in the conduct of university business, a process to investigate and address reports of harassment and discrimination.
4. This policy satisfies the university's legal obligations to implement a written policy to prevent and investigate harassment and discrimination in the workplace consistent with the applicable legislation, including the: *Employment Standards Act, Human Rights Act, and Occupational Health and Safety Act Workplace Harassment Regulations.*

**C. Guiding Principles** (listed alphabetically)

5. Academic freedom: The freedom to teach and conduct scholarly work guided by curiosity and intellectual inquiry, without deference to prescribed doctrine, is fundamental to our University. Academic freedom can only be achieved in an environment in which discrimination and harassment are not tolerated.
6. Acknowledging Systemic Discrimination and Aspiring to Systemic-Equity: Systemic Discrimination is inherent in, or results from, the application of systemic processes, or which results in a discriminatory exclusion, restriction or preference. It may be a discriminatory policy, rule, qualification, requirement, procedure, or other systemic process at the university.
7. Addressing relative power imbalances: Power imbalances exist in organizations that can be exploited or prevent the reporting and management of discrimination and harassment. Power imbalances can also obscure or exacerbate proper and improper behaviour and interpersonal relations. The University strives to create policy that respects all members of the university community without deference to power. The University recognizes that one of the purposes of human rights laws and policies is to assist members of groups that have been historically disadvantaged and disempowered in our society.
8. Confidentiality: the university recognizes the importance of confidentiality for everyone involved in an allegation of Harassment or Discrimination. The University will make every reasonable effort to balance confidentiality with its legal responsibility to provide a work and study environment free from Harassment and Discrimination. The university shall maintain confidentiality on a 'need to know' basis.
9. Cumulative Impact: It is important for the university to track trends and cumulative incidents that contribute to risk of violations of this policy so that proactive measures may be taken.
10. Freedom from reprisal: members of the university community have a right to participate in proceedings under this policy without fear of reprisal or retribution.
11. Freedom of expression: this is a cornerstone of scholarship at the University, but like other *Canadian Charter of Rights and Freedoms* rights, it is not an absolute right nor a defence to discriminatory or harassing comment or conduct. The PEI University Act also specifies the Freedom of the University to be a place open to expression of all doctrines, and creeds, religious, political or philosophical.
12. Individual support: all Reporters and Respondents, and other participants, may choose to have a support-person present at all steps in the processes of this policy; this may include, for example, a trusted friend, colleague or union representative.
13. Procedural fairness: Reporters and Respondents have the following procedural fairness protections under this policy: the right to an unbiased decision-maker, notice, the right to be heard, timeliness, and reasons for decisions.

14. Romantic or intimate relationships: Relationships of this type between members of the university community may give rise to Discrimination or Harassment under this policy. *(Also refer to the university's applicable policy related to these relationships - to be developed, and the Conflict of Interest Policy.)*
15. Safe disclosure: members of the university community who experience or observe incidents of harassment or discrimination have the right to report those incidents in a manner where they feel safe, without fear of reprisal, particularly in circumstances of a power imbalance between individuals.
16. Timelines: with some exceptions as noted, this policy does not prescribe specific timelines for action, with the expectation that all participants shall meet their obligations in a timely manner, meaning as soon as reasonably feasible. A failure to act in a timely manner may be taken into account by decision-makers at any step and may form a basis for appeal. The President has the discretion to revise any prescribed timelines where they believe necessary to ensure procedural fairness.
17. Trauma-informed: This policy acknowledges the harm endured by Reporters and survivors along with having awareness of the impacts that trauma has on an individual's emotional, cognitive, physical and sexual wellbeing.<sup>1</sup>

#### **D. Scope and Application**

18. This policy applies to all members of the university community, with respect to conduct and comment occurring physically, electronically, or virtually:
  - a. on any UPEI campus or facility;
  - b. otherwise (off campus), if the individual is acting in a capacity related to their role at the university.
19. The policy does not apply where the only connection to the university is that one or more individuals involved in an incident is a member of the university community.

#### **E. Roles and Responsibilities (presented in alphabetical order)**

20. All members of the university community: have the responsibility to generally inform themselves of this policy, attend any mandatory training, refrain from behaviour that violates this policy and to 'speak up' if they witness a possible violation of this policy.
21. Board of Governors: has the fiduciary duty to perform the powers of Board laid out in the *University Act* to ensure the success, integrity, financial, and administrative sustainability

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<sup>1</sup> (source: Eerkes, D., De Costa, B. & Jafry, Z. (2021). A Comprehensive Guide to Campus Gender-Based Violence Complaints: Strategies for Procedurally Fair, Trauma-Informed Processes to Reduce Harm. Possibility Seeds' Courage to Act: Addressing and Preventing Gender-Based Violence at Post-Secondary Institutions in Canada, page 18)

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of the university. Within that broad duty, the Board of Governors has the responsibility to approve this policy, approve periodic renewals of this policy, address allegations of violations of this policy where the Respondent is a member of the Board of Governors.

22. Department of Equity, Diversity, Inclusion, and Human Rights: is responsible for:
- a. generally administering the policy;
  - b. establishing and publishing rules, guidelines and forms in respect of processes under this policy;
  - c. establishing and delivering training, which may be mandatory or optional, for the university community in the interpretation and application of this policy;
  - d. facilitating the Third Party Early Resolution process per Stage 1 of the reporting process;
  - e. conducting Confidential Inquiries per Stage 1 of the reporting process, including making a determination under that process of whether there has been a violation of this policy and recommending appropriate remedial measures;
  - f. receiving Reports and assessing their actionability per Stage 3 of the reporting process;
  - g. in consideration of the Reporter's wishes, recommending Immediate Measures (if any) to the Vice President, People & Culture, per Stage 4 of the reporting process;
  - h. coordinating (but not conducting) investigations per Stage 4 of the reporting process;
  - i. coordinating (but not conducting) appeals per Stage 6 of the reporting process;
  - j. maintaining appropriate records both incident and cumulative, and maintaining confidentiality over those records, subject to all applicable policies, processes, and laws;
  - k. aggregate reporting to the Vice-President, People & Culture, on matters relating to this policy, as may be directed by the Vice-President, People & Culture.
23. President: has the responsibility to monitor the effectiveness of this policy and recommend amendments for approval of the Board of Governors; address allegations of violations of this policy where the Respondent is the Department of Equity, Diversity, Inclusion & Human Rights, a member of that Department, is the Safe Disclosure Office, a member of that Office, and/or the Vice-President, People & Culture.
24. Safe Disclosure Office: this Office reports to the Vice-President, People & Culture and has a communication line directly to the Board of Governors. It is the first point of
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contact for members of the university community to address questions about this policy, and to assist with engaging the policy.

25. Supervisory roles: supervisors are expected to personally uphold the policy at all times, monitor the environment in their area(s), be knowledgeable of reporting procedures and this policy, and to remind those who report harassing or discriminatory behaviour of the options for engaging this policy. Supervisors may have an obligation to report matters brought to their attention directly to the Department of Equity, Diversity, Inclusion & Human Rights.
26. Unions: are advocates for building a culture of safety, trust and inclusion. They build awareness of this policy, and represent and support their members throughout its processes.
27. Vice President, People & Culture: has the responsibility to oversee the effectiveness of the Safe Disclosure Office and the Department of Equity, Diversity, Inclusion & Human Rights, in its administration of this policy and to report to the President in that regard, as may be directed by the President. The Vice President, People & Culture is also responsible for implementing any Immediate Measures, on the recommendation of the Department of Equity, Diversity, Inclusion & Human Rights, and remedial action per Stage 5.

#### **F. Discrimination and Harassment**

28. No member of the university community may engage in Discrimination or Harassment as defined by this policy.
29. Discrimination means any action, behaviour, decision, or omission that treats a member or group of members of the university community unfairly and badly for reasons relating to a Prohibited Ground.
30. Harassment means any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action or gesture or the bullying knows, or ought reasonably to know, could have a harmful effect on the psychological or physical health or safety of a member of the university community, and includes (not an exhaustive list):
  - i) conduct that is based on any personal characteristic or Prohibited Ground;
  - ii) inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome, including, but not limited to, sexual solicitations or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact;
  - iii) stalking, including cyber-stalking;
  - iv) accumulation of repeated low level inappropriate conduct where any individual incident might not reach the threshold of Discrimination or Harassment;

- v) whereas reasonable actions taken in the course of normal work and study do not constitute harassment, inconsistent (discriminatory) application of actions or expectations, or disrespectful communication of expectation can be Discrimination and/or Harassment.
31. Discrimination or Harassment may result in a poisoned work or study environment; in which insulting or degrading comments, actions or microaggressions cause individuals or groups to feel that the environment is hostile or unwelcoming. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a poisoned environment. The essential feature of a poisoned environment is that it is experienced by or impacts on more than just one individual such that it can be considered a practice. (source: Canadian Human Rights Commission)
32. Prohibited Ground means (listed alphabetically): age, ancestry or place of origin, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, ideology, marital status, nationality, physical size or weight, political belief, pregnancy, race, religion, romantic orientation, sex, sexual orientation, or source of income of any individual or class of individuals.

**G. Process and Reporting**

33. This policy sets out a staged process for addressing allegations of Discrimination or Harassment that allows for initiation of process and/or intervention proportionate to the circumstances, reflecting the seriousness of the matter, the level of readiness of the Reporter, and other considerations. The “Level of Intervention” refers to the point of entry into the process.
34. The Levels of Intervention are not all required, and are not required in sequence. In collaboration with the Safe Disclosure Office, Reporters can choose to enter the process at any Level of Intervention and might be referred to other levels to ensure the experience is appropriately addressed.
35. A person who believes they may have violated this policy is encouraged to proactively address the matter with the individual, for example, offering an apology, and/or disclosing the matter to the Safe Disclosure Office.
36. Nothing in this policy prevents a member of the university community from initiating an alternative proceeding, such as a complaint with the PEI Human Rights Commission, in accordance with the *Human Rights Act*, a civil action, or grievance arbitration. If an alternative proceeding has commenced, the procedures outlined in this policy will not apply, except as the President may permit otherwise (concurrently with alternative proceeding or following its conclusion).
37. If a matter is subject to a criminal investigation or proceeding, the President may decide to defer any process in this policy until such time as the criminal investigation or proceeding has concluded.

Stages to Address Allegations of Harassment and Discrimination

38. Sequentially, the Stages are as follows:
  - Stage 1: Individual contacts the Safe Disclosure Office, to determine, in collaboration with that Office, the appropriate Level of Intervention (see paragraphs 39-49)
  - Stage 2: Individual submits a Report, which may lead to an Investigation
  - Stage 3: Assessment of whether the Report is actionable
  - Stage 4: Immediate Measures (if any) and Investigation
  - Stage 5: Actions following an Investigation Outcome
  - Stage 6: Appeal

Stage 1: Contact the Safe Disclosure Office

39. A person who believes they have been the subject of, or a witness to, a violation of this policy, should contact the Safe Disclosure Office to determine, in collaboration with that Office, the appropriate Level of Intervention.

*First Level of Intervention*

40. The First Level of Intervention is appropriate for early, less serious incidents or experience. Options include:
- a. seeking assistance from a trusted friend, colleague, union representative, supervisor, Department Chair, a university administrator, human resources, the Department of Equity, Diversity, Inclusion & Human Rights;
  - b. addressing the matter directly with the individual or Office that the person believes is responsible for the violation of this policy;
  - c. taking no further action.

*Second Level of Intervention*

41. The Second Level of Intervention is appropriate for more serious incidents or experience, including multiple occurrences of less serious incidents, and where a supported process may be appropriate. Options include:
- a. Third Party Early Resolution;
  - b. Confidential Inquiry;
  - c. culturally appropriate mechanisms.
42. A person who believes they have been the subject of a violation of this policy may submit a request for a Third Party Early Resolution. The request shall be submitted to the Department of Equity, Diversity, Inclusion & Human Rights.
43. A Third Party Early Resolution requires the consent of all participants and may include: third-party mediation or facilitated discussion or other remedial process as agreed-upon by all participants. Following receipt of a request, the Third Party Early Resolution will be coordinated by the Department of Equity, Diversity, Inclusion & Human Rights. The expected timeline for completion is 1-3 weeks.
44. A person who believes they have been the subject of a violation of this policy may submit a request for a Confidential Inquiry. The request shall be submitted to the Department of Equity, Diversity, Inclusion & Human Rights.



45. Following receipt of a request, and provided the Department of Equity, Diversity, Inclusion & Human Rights determines it to be appropriate in the circumstances, a Confidential Inquiry will be conducted by the Department of Equity, Diversity, Inclusion & Human Rights. The identity of the person who submitted the request shall be kept confidential. If that is not possible, the inquiry may proceed only with that person's consent. The expected timeline for completion of a Confidential Inquiry is 1-3 weeks.
46. If a Confidential Inquiry results in a determination that a violation of this policy has occurred, the person who submitted the request will be notified by the Department of Equity, Diversity, Inclusion & Human Rights, identifying recommendations for remedial action(s). The person who submitted the request may:
  - a. agree to the remedial action(s) and forego the option to submit a Report; or
  - b. submit a Report per Stage 2.
47. The remedial action(s) resulting from a Confidential Inquiry shall not include any sanctions or disciplinary action of a Respondent, since a Confidential Inquiry cannot guarantee procedural fairness to the Respondent. Any sanctions or disciplinary action of a Respondent can only follow an Investigation per Stage 4, where the Investigation Outcome determines that there has been a violation of this policy.
48. If a Confidential Inquiry results in a determination that a violation of this policy has not occurred, the person who submitted the request will be notified by the Department of Equity, Diversity, Inclusion & Human Rights. The person who submitted the request may:
  - a. accept the determination of the Department of Equity, Diversity, Inclusion & Human Rights and forego the option to submit a Report; or
  - b. submit a Report per Stage 2.

#### *Third Level of Intervention*

49. The Third Level of Intervention is appropriate for the most serious of incidents or experiences, and where external support and an Investigation are required. At the Third Level of Intervention, a Report should be submitted directly, per Stage 2.

#### Stage 2: Submitting a Report

50. A person who believes they have been the subject of, or a witness to, a violation of this policy may:
  - a. submit a Report directly with the Department of Equity, Diversity, Inclusion & Human Rights; or
  - b. give their consent to a surrogate to submit a Report on their behalf, anonymously or non-anonymously.

51. If the Respondent is in the Department of Equity, Diversity, Inclusion & Human Rights, a member of that Department, and/or the Vice-President, People & Culture, the Reporter may submit the Report directly to the President.
52. If the Respondent is the President, the Reporter may submit the Report directly to the Chair of the Board of Governors.
53. If the Respondent is a member of the Board of Governors, the Reporter may submit the report directly to the Chair of the Board of Governors.
54. If the Respondent is the Chair of the Board of Governors, the Reporter may submit the Report directly to the Vice-Chair of the Board of Governors or, via the University Secretary, the Board of Governors.

Stage 3: Assessment of whether the Report is actionable

55. The Department of Equity, Diversity, Inclusion & Human Rights will undertake an initial assessment of the Report to determine whether the Report is actionable. The assessment may include a confidential but documented preliminary inquiry. The expected timeline for completion of this assessment is 3-7 days.
56. A Report will be presumptively actionable, unless:
  - a. it is outside the Scope and Application of this policy;
  - b. it does not contain an alleged violation of this policy;
  - c. it is a vexatious report;
  - d. it is both anonymous and the allegations are: i. insufficiently precise to take further action; or (ii.) have been unsuccessfully corroborated;
  - e. its subject matter has been resolved through a Third Party Early Resolution, by written agreement of the participants, including the Reporter and all Respondents;
  - f. one or more remedial actions have been implemented following a Confidential Inquiry;
  - g. in consideration of all the circumstances, including the passage of time since the incident in question, procedural fairness to the Respondent cannot be achieved;
  - h. alternative proceedings dealing with the same subject matter have been initiated, in which case the procedures outlined in this policy will not apply, except where the President exercises their discretion to do so (forthwith or following the conclusion of the alternative proceeding);

- i. it contains an allegation of sexual violence, in which case the university's sexual violence policy applies, except where the allegation of sexual violence is inextricably connected to a violation of this policy.
- 57. A Report will not be considered non-actionable singularly because:
  - a. it is or will be inconvenient;
  - b. it will negatively impact the reputation of the university;
  - c. it will be costly to investigate and/or to remedy;
  - d. the Respondent is unavailable (for whatever reason);
  - e. the Reporter has left the university;
  - f. the Reporter no longer wishes to participate in the process.
- 58. If the Report is actionable, the matter will proceed to Stage 4.
- 59. If the Report is non-actionable, the Department of Equity, Diversity, Inclusion & Human Rights will notify the Reporter in writing, identifying why the Report was determined to be non-actionable, and the process by which the Reporter may appeal the determination.
- 60. If the Report is submitted to the President under paragraph 49, the obligations of the Department of Equity, Diversity, Inclusion & Human Rights under this Stage 3 shall be assumed by the President.
- 61. If the Report is submitted to the Board of Governors under paragraph 50 or 51, the obligations of the Department of Equity, Diversity, Inclusion & Human Rights under this Stage 3 shall be assumed by the Board of Governors.

#### Stage 4: Immediate Measures (if any) and Investigation

##### *Immediate Measures*

- 62. In order to maintain the safety of any member of the university community, including the Reporter and Respondent(s), or to preserve the integrity of this policy and its processes, the Department of Equity, Diversity, Inclusion & Human Rights may recommend to the Vice President, People & Culture, that Immediate Measures are implemented prior to an Investigation.
- 63. The recommendation for Immediate Measures shall consider the Reporter's wishes, if any.
- 64. Immediate Measures may include one or more of the following:

- a. removal or transfer of the Reporter, Respondent and/or a witness from their current situation or relationship, which may include administrative (non-disciplinary) leave without loss of pay;
  - b. temporary removal of duties, without loss of pay;
  - c. academic accommodations including rescheduling of an exam or due date for assignments, provided such accommodations do not negatively impact progress in the program;
  - d. the cancelation or rescheduling of an event;
  - e. the issuance of a notice or communication to individuals or groups;
  - f. prohibiting attendance on campus for individuals who are not members of the university community (*persona non grata*);
  - g. or such other measure as deemed appropriate by the Vice President, People & Culture;
- but shall not include: sanctions or disciplinary action of any individual for an alleged violation of this policy.

#### *Investigation*

- 65. In receipt of an actionable Report, the Department of Equity, Diversity, Inclusion & Human Rights shall initiate an Investigation. The President may exercise their discretion to initiate an Investigation, whether or not there is an actionable Report.
- 66. The Investigator shall be an external third party selected by the Department of Equity, Diversity, Inclusion & Human Rights from among a pre-established roster. The pre-established roster of investigators shall consist of professionals with previous experience in conducting harassment and discrimination investigations at universities or institutions of similar size or complexity. To the extent possible, the roster shall have broad representation across Prohibited Grounds.
- 67. Prior to the selection of the Investigator, the Reporter and Respondent will be asked to identify any investigator on the roster that, if selected, would present for them an actual or perceived Conflict of Interest.
- 68. The selection shall be made in rotation provided the Investigator has capacity to complete an Investigation in a timely manner, and does not have an actual or perceived conflict of interest concerning the Reporter or Respondent(s). If necessary, the selection of an external third party Investigator may be made outside the roster where required to meet the criteria set out above.

69. If the Reporter or Respondent is of the view that the selected Investigator presents an actual or perceived Conflict of Interest, they may request that an alternative Investigator be selected. The request shall be made within three days of having been notified of the initial selection.
70. The Investigator shall be tasked with producing an Investigation Outcome containing:
  - a. a statement of the process followed;
  - b. findings of fact;
  - c. a determination of whether there is a violation of this policy;
  - d. reasons for the determination;
  - e. where there is a determination of a violation, recommended remedial action(s).
71. The timeline for completion of an Investigation Outcome is highly dependent on the complexity of the matter, the volume of evidence and witnesses and other circumstantial matters as they may arise. For a typical matter, the expected timeline is 1-3 months.
72. Upon completion, the Investigation Outcome shall be provided to the Vice President, People & Culture.

Stage 5: Actions following an Investigation Outcome

73. Within 3 days of receipt of the Investigation Outcome, the Vice President, People & Culture shall notify the Reporter and Respondent of the result, and shall provide a copy of the Investigation Outcome, redacted where required by law.

*No violation of this policy found*

74. Where the Investigator has made a determination that there has been no violation of this policy, the Reporter may file an Appeal, per Stage 6. The Appeal shall be filed within three weeks of their receipt of the Investigation Outcome from the Vice President, People & Culture.

*Violation of this policy is found*

75. Where the Investigator has made a determination that there has been a violation of this policy, the Vice President, People & Culture, shall initiate remedial actions as they deem appropriate, in consideration of the recommendations contained in the Investigation Outcome. Remedial actions shall be initiated within one week of providing the Investigation Outcome to the Respondent.
76. The Vice President, People & Culture shall notify the Reporter and Respondent of all remedial actions initiated.

77. Any disciplinary action of the Respondent shall be subject to university policies and/or collective agreements, as may be applicable.
78. Remedial actions shall recognize the harm to the Reporter and others, taking into account the seriousness of the violation, and any mitigating factor (such as proactively coming forward) or aggravating factor. The goal of remedial action shall be to:
- a. enhance a culture of trust, safety and inclusion at the university and among members of the university community;
  - b. enhance accountability and transparency at the university;
  - c. remove any ongoing violations of this policy;
  - d. deter future violations of this policy by the Respondent and others;
- but shall not take into account:
- e. the extent to which the remedial action is inconvenient, will negatively impact the reputation of the university, or will be costly to implement;
  - f. that the Respondent has left the university, except that any disciplinary action of the Respondent since-departed would be foreclosed;
  - g. the potential for appeal under this policy or any alternatively available appeal.
79. Where the Investigator has made a determination that there has been a violation of this policy, the Respondent may file an Appeal, per Stage 6. The Appeal shall be filed within three weeks of their receipt of the Investigation Outcome from the Vice President, People & Culture.

#### Stage 6: Appeal

80. The Reporter or Respondent may appeal the outcome and/or remedial action on one or more of the following grounds:
- a. there was a fundamental procedural error seriously prejudicial to the appellant;
  - b. the outcome and/or remedial action is clearly unreasonable or unsupportable on the evidence;
  - c. there is new relevant evidence that could not have been reasonably presented earlier.
81. The Appeal shall be filed with the Department of Equity, Diversity, Inclusion, and Human Rights, which shall coordinate the Appeal.

82. The Appeal shall be heard by an appeal committee consisting of three members: one member selected by the Reporter, one member selected by the Respondent and one member selected by agreement of those two members. Failing agreement, the third member shall be selected by the President.
83. The decision of the appeal committee shall be a decision of the majority, and shall be final and binding.
84. For individuals with access to alternative appeal mechanisms, such as an appeal to the Senate Academic and Student Discipline Appeals Committee pursuant to the Student Code of Conduct, or grievance rights under a collective agreement, the filing of an alternative appeal precludes the submission of an Appeal under this policy, and vice versa, except as may be otherwise permitted by the President.

#### **H. Administrative Provisions**

85. This policy shall be reviewed by the Board of Governors one year following its effective date, and biennially thereafter.
86. The Department of Equity, Diversity, Inclusion, and Human Rights shall produce an annual report on aggregated matters relating to this policy, as may be directed by the Vice-President, People & Culture.
87. Related university policies include:
  - a. Sexual Violence Policy
  - b. Academic Accommodations for Students with Disabilities
  - c. Violence Prevention and Response; Ensuring a Safe Campus Community
  - d. Health, Safety, and Environment Policy
  - e. Student Code of Conduct
  - f. Conflict of Interest

#### **I. Glossary of Terms**

88. Terms appearing in this policy shall have the meanings as set out below (presented in alphabetical order):
  - a. Bullying means repeated, unreasonable behavior directed towards a member of the university community that can cause humiliation or intimidation.
  - b. Conflict of Interest: has the meaning set out in the university's Conflict of Interest policy.

- c. Discrimination: has the meaning set out at section F.
- d. Harassment has the meaning set out at section F.
- e. Investigator: means the individual selected to conduct an Investigation under this policy.
- f. member of the university community: means employees (faculty and staff), students, alumni, contractors, members of the Board of Governors, university administrators, union representatives, union employees, visitors.
- g. this policy: means the University of Prince Edward Island Harassment and Discrimination Policy.
- h. Report: means a written disclosure submitted to the Department of Equity, Diversity, Inclusion & Human Rights alleging a violation of this policy.
- i. Reporter: means either:
  - i. a person who is the subject of an alleged violation of this policy and who submits a Report under this policy; or
  - ii. one of a group of people who are the subject of the same alleged violation of this policy, for which a Report has been submitted under this policy with the consent of everyone in the group; or
  - iii. a person who believes they are a witness to a violation of this policy, but not the subject of that violation, and who submits a Report under this policy.
- j. Respondent: means the person or university Office identified in a Report who is alleged to have violated this policy. It is understood that the use of the singular Respondent does not preclude the possibility of multiple Respondents in context.
- k. surrogate: means a person who, on behalf of a Reporter and with their consent, submits a Report under this policy, and may include a supervisor, a university administrator, or a union representative.
- l. university administrator means: the President, a Vice-President, the Chief Information Officer, the Director of Human Resources, the Chief of Staff, a Dean, the University Librarian.
- m. vexatious report: means a Report known to the Reporter to be false, inaccurate or without merit, not to be confused with a Report made in good faith but ultimately found to be false, inaccurate or without merit.