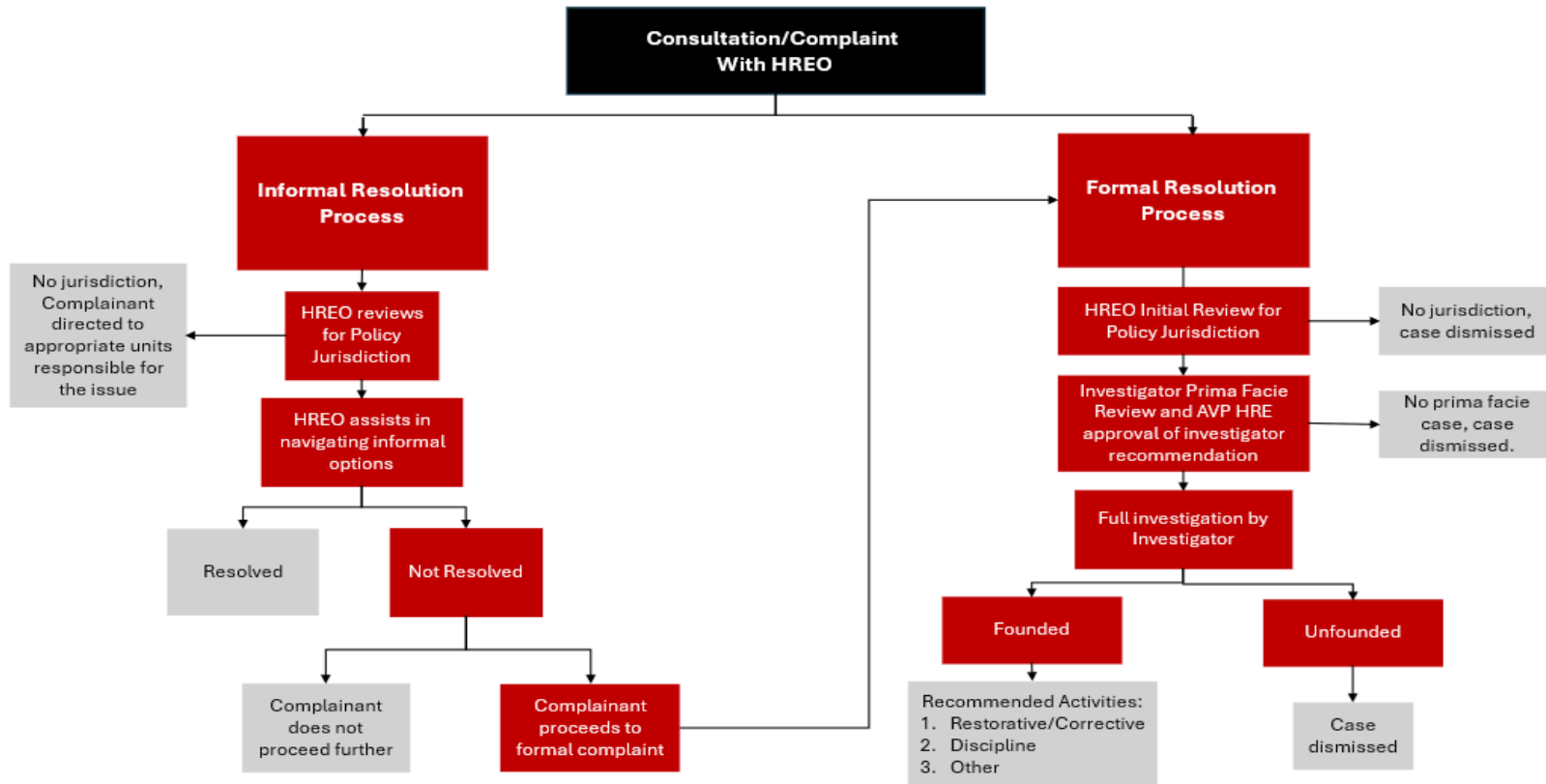


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1. Consults

- 1.1 Any Member of the University Community may Consult with the HREO on any questions related to Harassment, Discrimination, human rights and equity and this Policy. This may include trying to proactively mitigate the risk of a violation of this Policy and/or if they believe they have witnessed or experienced Harassment and/or Discrimination.
- 1.2 Subject to Section 8.1 of the Policy, no further action will be taken by the HREO or the University for Consults, unless or until the matter is referred to informal or formal resolution.

2. Informal Resolution Process

- 2.1 Regardless of whether they file a Complaint, if a Member of the University Community believes they have experienced or witnessed Harassment and/or Discrimination and wishes to informally resolve their concerns, they may contact the HREO, who shall:
 - document the nature of the allegations;
 - determine whether this Policy applies;
 - determine whether informal resolution is appropriate in the circumstances; and
 - provide information about this Policy and potential options for informal resolution.
- 2.2 If the HREO determines the Policy does not apply, the HREO will make reasonable attempts to refer the Member to the appropriate University body to address the allegations, if it exists.
- 2.3 Forms of informal resolution include, but are not limited to (and include any combination thereof):

- communication from the HREO to the Respondent about the impact of the behaviour;
- acknowledgment by the Respondent;
- discussions with the Position of Authority over the Respondent;
- communication with other UNB departments about the alleged behaviour and opportunities for resolution;
- advice and coaching to the Complainant to prepare for a conversation between the parties;
- training and/or education;
- implementation of an accommodation;
- facilitated conversation between the parties;
- mediation between the parties; and
- a climate review or organizational assessment.

2.4 Parties to an informal resolution process are encouraged to consider and utilize other forms of resolution in addressing and resolving any conflict.

2.5 All informal resolution processes are voluntary.

2.6 An informal resolution process will be considered resolved once the Complainant's concerns have been addressed and, where appropriate, documented in an informal resolution agreement, which will be kept confidential between the parties and the HREO.

2.7 A breach of an informal resolution agreement may result in corrective, remedial, and/or disciplinary action in keeping with appropriate Collective Agreements or employment contracts, or a future Complaint of Harassment and/or Discrimination.

2.8 If a matter is not resolved through the informal resolution process, the Complainant may proceed under the formal resolution process.

3. Formal Resolution Process

- 3.1 Where a matter is not or should not be resolved through informal resolution, a Member of the University Community may proceed under this section.
- 3.2 The formal resolution process requires a Complaint be filed with the HREO in writing. The Complaint must include the name of the Complainant, the Respondent(s), and a description of the allegations, including times, dates, and witnesses where possible.
- 3.3 On receiving a Complaint, the HREO shall determine whether it falls under the Policy's jurisdiction. If not, the decision will be communicated to the Complainant within 14 business days.
- 3.4 Before conducting a full investigation, an investigator may conduct a Prima Facie Review to determine if a full investigation is necessary. A Prima Facie Review will include a review of the Complaint, a meeting with the Complainant, and an examination of the documentary evidence provided to date. Any recommendation not to proceed with a full investigation shall be approved by the Associate VP of Human Rights & Equity. If a full investigation will not be conducted, that decision will be communicated to the Complainant within 30 business days of the receipt of the Complaint.
- 3.5 Where a Complaint proceeds to a full investigation, except in the case non-faculty or staff, the HREO will inform the parties' first level of management, namely the person responsible for the parties' discipline, of the Complaint and that a formal resolution process has been initiated. Where required by a Collective Agreement, the HREO shall work with the appropriate University representative to start the investigation.

- 3.6 Subject to Section 3.7 of the Procedures, investigations may be conducted by UNB staff or through an external third-party investigator with the appropriate knowledge, training, and experience.
- 3.7 All investigations conducted pursuant to Complaints made against Vice-Provosts, Vice-Presidents, Provosts, General Counsel, the President, the University Secretary, a member (including ex-officio members) of the Board of Governors, or made pursuant to Section 8.1 of the Policy, shall be referred to an external third-party investigator.
- 3.8 An investigation shall include an interview with the Complainant(s) (if not already conducted), with the Respondent(s), and all relevant witnesses.
- 3.9 Before their interview, the Respondent(s) shall be provided with a copy of the Complaint or, where appropriate, a summary of allegations prepared by the investigator, and given the opportunity to respond in writing.
- 3.10 Where the Respondent does not dispute the allegations, the investigator will communicate their reply to the HREO which may, in its discretion, choose to end the investigation, advise the parties, and advise the parties' first level of management.
- 3.11 Both Complainants and Respondents are expected to participate in the investigation process in a timely manner. In cases where either of the parties fails to participate within a reasonable time without appropriate reason, the investigation may proceed in their absence and an adverse inference may be drawn as a result of their failure to participate unless the allegations also give rise to criminal proceedings.
- 3.12 The investigator will complete an investigation in keeping with this Policy, subject to any relevant Collective Agreements, within 90 days of the Complaint being filed.

- 3.13 Where appropriate, an investigator may make recommendations regarding corrective, remedial, and/or disciplinary action, but such recommendations are non-binding.
- 3.14 The investigator shall submit an Executive Summary, Full Report, and where appropriate, recommendations, to the HREO. If required by any relevant Collective Agreement, the HREO will also deliver the Executive Summary, Full Report, and recommendations to the appropriate University representative.
- 3.15 In the event of an unfounded Complaint, the HREO will provide an Executive Summary to the parties' first level of management, or where both the parties are students, to the Commissioner of Student Discipline.
- 3.16 In the event of a founded Complaint, the HREO will provide the Full Report to the parties' first level of management, or where both the parties are students, to the Commissioner of Student Discipline.
- 3.17 The parties are entitled to the findings and conclusions of the investigation. After receiving the Full Report, the HREO will provide the parties with an Executive Summary and inform them whether action will be taken. In cases where a Collective Agreement entitles a Respondent to a copy of the Full Report, it shall be redacted by the HREO to protect confidential and/or personal information, subject to the requirements of an applicable Collective Agreement.
- 3.18 Moving to investigation does not prevent the parties from participating in an informal resolution process, if appropriate and desired by both parties, to resolve the matter at any time before the conclusion of the investigation.
- 3.19 Complainants may withdraw their Complaint at any time. However, the HREO, in consultation with appropriate UNB officials and in consideration of UNB's legal duties, may proceed with the investigation regardless of the Complainant's withdrawal.
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4. Right to Representation

- 4.1 All Complainants and Respondents have a right to include a person of support of their choice, including a family member, friend, colleague, or union/association representative, during the formal resolution process, so long as that individual is not a witness in the Complaint. Although a lawyer may attend any meetings or interviews, they may only do so as a person of support.

5. Anonymous Complaints

- 5.1 Due to requirements of procedural fairness, anonymous Complaints will not be accepted by the HREO except under Section 5.2.
- 5.2 In cases where a Complainant wishes to file a Complaint of Systemic Discrimination (except as it relates to the practices of an individual), but does not wish to identify themselves, the Complaint may remain anonymous.

6. Conflict of Interest or Reasonable Apprehension of Bias

- 6.1 If a Complainant or Respondent believes any individual with a role under this Policy is in a real or apparent conflict of interest, is biased against them, or a reasonable apprehension of bias exists, they shall: (i) raise the allegation with the HREO; and (ii) submit sufficient evidence to support the allegation, as determined by the HREO in its sole discretion.
- 6.2 The HREO shall review the materials submitted and determine whether the person is in conflict or has a real or reasonable apprehension of bias, which decision shall be final. If the determination is that there is conflict or real or reasonable apprehension of bias, the individual shall be immediately removed from involvement with the matter and a substitute assigned by the HREO.

- 6.3 In cases where the allegations are against a member of the HREO, all determinations under this section shall be made by a member of People & Culture and/or legal counsel.