

Policy Name	<b>Harassment</b>		
Policy #	<b>601</b>	Category	<b>Health and Safety</b>
Policy Sponsor	<b>AVP, Student Services and AVP, Human Resources</b>	Previous Revision Date	<b>N/A</b>
Policy Approved by	<b>President &amp; CEO</b>	Revision Date	<b>October 3, 2019</b>
Procedures Approved by	<b>Provost &amp; Vice President, Academic and CFO &amp; Vice President, Administrative Services</b>	Review Date	<b>See Policy Review Date or As Required</b>

See the related [POLICY](#).

### DEFINITIONS

#### Associate Vice President (AVP)

For the purposes of this policy and procedures, associate vice president means either the associate vice president, human resources or the associate vice president, student services or their respective designate.

#### Complainant

Any person(s) who pursuant to this policy alleges they have been subjected to harassment or who alleges another member of the Saskatchewan Polytechnic community is being subjected to harassment.

#### Harassment

Harassment is defined in *The Saskatchewan Employment Act*, and this policy, as any inappropriate conduct, comment, display, action or gesture by a person:

- (i) that either:
  - (A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
  - (B) adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
- (ii) that constitutes a threat to the health or safety of the worker.

The definition of Harassment at Saskatchewan Polytechnic is further expanded to include the prohibited ground of gender identity, in alignment with *The Saskatchewan Human Rights Code*.

Harassment involves repeated conduct, comments, displays, actions or gestures, or a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the individual.

Harassment can involve words, actions, or pictures such as:

- derogatory jokes, comments, or teasing,
- insults, taunting or slurs about race, colour, disability, sex, or sexual orientation,

- verbal abuse such as continued name calling, swearing or yelling,
- display or circulation of derogatory materials, pictures, or objects that demean the recipient,
- verbal or physical intimidation or threats,
- practical jokes causing awkwardness or embarrassment.

Harassment includes sexual harassment, which is prohibited on the ground of sex. Unwelcome conduct of a sexual nature constitutes sexual harassment when:

- submission to, or rejection of, such conduct is implicitly or explicitly made a term of condition of an individual's employment or academic status, or
- such conduct is used as a basis for making decisions relating to an individual's employment or academic status or welfare as an employee or student, or
- the unwanted, sexually oriented remarks, behaviours or communications create a hostile, intimidating environment for working or learning.

Harassment **does not** include any reasonable action that is taken by an instructor, manager or supervisor, relating to the management and direction of students or employees or affecting campus safety and security.

### **Procedural Fairness**

Procedural Fairness includes the right to a fair process (i.e. being made aware of the complaint and having the opportunity to be heard), the right to an unbiased decision, and the right to reasons for the decision. The right to an appeal is outlined in Section 9.0. The student or employee also has the right to have a support person present at any stage of the process.

### **Respondent**

Any person(s), against whom an allegation of harassment has been made pursuant to this policy.

## **PROCEDURES**

### **1.0 Making a Complaint**

- 1.1 Complete and submit the Harassment Complaint form, which is Appendix A of these Procedures, along with all other materials upon which the complainant intends to rely:
  - 1.1.1 Students submit the Harassment Complaint form to the campus Student Relations Office.
  - 1.1.2 Employees and non-students submit the Harassment Complaint form to the office of the AVP, Human Resources.
- 1.2 Complaints shall include a description of the acts or omissions which are alleged to be harassing, identify those responsible for the acts or omissions, contain a description of any efforts undertaken to resolve the matter through informal resolution procedures and shall be signed by the complainant.
- 1.3 Any member of the Saskatchewan Polytechnic community who believes they have been subjected to harassment as defined in this policy may submit a complaint and in so doing will become the complainant.
- 1.4 Any member of the Saskatchewan Polytechnic community who believes they have clear evidence of harassment as defined in this policy for which there is no specific complainant or no complainant willing to submit a complaint may submit a complaint themselves and in so doing will become the complainant.

- 1.5 Harassment complaints must be received within one year of the date the alleged harassment became known or ought reasonable to have become known to the complainant. Where appropriate, the respective AVP may extend this deadline.

## 1.6 Supports Available

**Health, Safety & Security Resources** are accessible by clicking their logo from any heading on the mySaskPolytech Menu, and include:

- Campus Safety & Security contact numbers
- Safe Walk information
- Threat Assessment guidance

[Learn More](#)

**Student Resources** can be found on the Student Services site of mySaskPolytech, and include:

- Accessibility Services
- Counselling Services
- Health Services
- Student Relations Office

[Learn More](#)

**Employee Family Assistance Program (EFAP) and Wellness Resources** can be found on the Human Resources site of mySaskPolytech, and include:

- Homewood Health contact line (1-800-663-1142) available 24 hours a day, 7 days a week
- [www.homeweb.ca](http://www.homeweb.ca) where you can access a complete range of options, supports and resources
- In addition to EFAP, our extended health plan covers the services of a legally licensed clinical psychologist and social worker up to a combined maximum of \$1,000 per calendar year for each person
- Respect Certification training
- The Great-West Life Centre for Mental Health in the Workplace
- The Working Mind Workshops

[Learn More](#)

## 2.0 Receipt of a Complaint

- 2.1 The AVP is responsible for receiving written harassment complaints in accordance with the following:

- 2.1.1 Written complaints in which neither the complainant nor the respondent are students will be received by the AVP, human resources who shall be responsible for implementing the Harassment Procedures.
- 2.1.2 Written complaints in which both the complainant and the respondent are students will be received by the AVP, student services who shall be responsible for implementing procedures set out in the Student Code of Conduct (Non-academic) #1211b and the Protocol for Harassment Investigations found in Appendix B of the Harassment Procedures.
- 2.1.3 Written complaints in which one of the complainants or the respondent is a student will be received by the AVP, human resources who shall be responsible for

implementing the Harassment Procedures, in consultation with the AVP, student services.

The written complaint may be supplemented by a verbal interview with the applicable AVP at the request of the complainant.

- 2.2 The AVP shall, within fifteen business days of receiving a complaint, determine whether or not the acts or omissions described in the complaint, if substantiated, could constitute harassment as defined in this policy.
  - 2.2.1 Should the AVP determine the alleged acts or omissions described in the complaint would not constitute harassment, the complaint shall be dismissed. The AVP shall notify the complainant of this decision in writing, along with recommendations.
  - 2.2.2 Should the AVP determine the alleged acts or omissions described in the complaint could, if substantiated, constitute harassment, the AVP shall notify the complainant and respondent in writing, including a copy of the complaint and a copy of this policy.
- 2.3 The AVP may authorize an investigation of the complaint, and this information should be included in the written notification to the complainant and respondent.

### **3.0 Investigations**

- 3.1 If the AVP authorizes an investigation of the complaint, he or she shall, within fifteen business days of receiving a complaint, appoint a person to carry out an investigation to be completed within a reasonable period of time.
- 3.2 Investigators are independent and will act in a neutral and objective manner throughout the course of an investigation.
- 3.3 Investigators will ensure the principles of procedural fairness govern the conduct of their investigations.

Specifically, the investigator shall:

- 3.3.1 Ensure the complainant and respondent know the substance of each other's cases.
- 3.3.2 Ensure the complainant and respondent are given full opportunity to respond to each other's cases.
- 3.3.3 Ensure the respondent is made aware of, and allowed to respond fully to, any new, relevant allegations or information which arise in the course of the investigation.
- 3.3.4 Treat all information received in an appropriately confidential manner.
- 3.4 Investigators will be provided with the *Protocol for Harassment Investigations*, which is *Appendix B* of these Procedures.

### **4.0 Investigation Completion**

- 4.1 Upon completion of the investigation, the investigator shall submit a written report to the AVP.

- 4.2 The report should outline the positions of the parties, the evidence reviewed by the investigator, and conclusions drawn from that evidence. It should describe the context and background which informs the report, and include information such as, but not limited to, the following:
- 4.2.1 A description of the harassment issue;
  - 4.2.2 An outline of the process used to collect evidence;
  - 4.2.3 A description of the evidence relevant to making a determination;
  - 4.2.4 A listing of the facts relevant to a determination and a statement as to whether these facts are undisputed or determined on the balance of probabilities;
  - 4.2.5 Any relevant assessments of the credibility of the complainant, the respondent or any witnesses;
  - 4.2.6 An identification of any contentious issues and the investigator's determination on the balance of probabilities of those issues;
  - 4.2.7 A review of the relevant documents reviewed in the course of the investigation; and,
  - 4.2.8 A copy of the log of interviews should be attached to the report, as should a copy of the log of documents and other physical evidence.
  - 4.2.9 The investigation report should include the investigator's opinion as to whether the facts as determined constitute a violation of the Saskatchewan Polytechnic Harassment policy.

## **5.0 Investigation Follow-up**

- 5.1 A copy of the investigator's report will be provided to the complainant and respondent, along with a letter relating the outcome of the investigation and any follow-up actions.
- 5.2 Should there be findings of harassment or behavioural issues in the investigator's report, further follow-up will be conducted by the appropriate supervisory body. Further actions may include:
  - 5.2.1 For a student, a recommendation that the student be subject to proceedings and/or discipline pursuant to the Student Code of Conduct (Non-Academic) policy #1211b;
  - 5.2.2 For an employee, subject to any applicable collective bargaining agreement, discipline will be administered.
- 5.3 If there is no finding of harassment in the investigator's report, but conflict exists in the work or learning environment, response and support will be coordinated with the appropriate supervisory body.

## **6.0 Discipline**

- 6.1 Discipline will be administered in accordance with the disciplinary clauses of the various collective agreements, if applicable, and in the case of students, Student Code of Conduct (Non-academic) #1211b.
- 6.2 Subject to the terms of any applicable collective bargaining agreement, discipline of employees may include one or more of the following:
  - 6.2.1 reprimand
  - 6.2.2 suspension without pay
  - 6.2.3 dismissal
- 6.3 Sanctions or outcomes for students may include one or more of the following:
  - 6.3.1 written warning
  - 6.3.2 behaviour contract
  - 6.3.3 restriction
  - 6.3.4 suspension
  - 6.3.5 expulsion

## **7.0 Effect of Procedures in Alternative Forums**

- 7.1 The AVP may suspend or terminate an investigation when the acts or omissions described in the complaint become the subject of another investigation or other proceedings and shall provide written reasons for this action to the complainant and the respondent.
- 7.2 Nothing in these procedures prevents Saskatchewan Polytechnic from commencing legal proceedings in other forums.

## **8.0 Withdrawal of Complaint**

- 8.1 The complainant may request the withdrawal of the complaint at any time prior to the receipt of the investigation report through the submission of a written request to the AVP.
- 8.2 The AVP will determine whether the complaint should continue and inform the complainant and respondent of his or her decision in writing.

## **9.0 Investigation Appeal Process**

- 9.1 Either party may send a written appeal request to the president or designate within 10 working days of receipt of an investigation decision.
- 9.2 The criteria for submission of an appeal is based upon:
  - 9.2.1 A substantial procedural error has affected the outcome or bias influenced the outcome; or
  - 9.2.2 New information has arisen that was previously unavailable and that is likely to change the outcome.
- 9.3 Within 15 working days of receiving the appeal request, the president or designate will select an appeal committee consisting of three individuals and appoint one of the members to act as chair. No individual will be appointed to the committee who has had direct involvement in the case or is from the school or division of either the complainant or respondent.

- 9.4 The appeal committee will then have 20 working days to determine the outcome of the appeal and prepare a written decision, which the chair will forward to the president or designate.
- 9.5 The president or designate will have 15 working days to consider the committee's decision and make a final written determination. The president will forward a copy of this determination to the parties and the appropriate AVP(s).
- 9.6 No further appeal may be made under this policy.

## **10.0 General Procedures & Timelines**

- 10.1 Saskatchewan Polytechnic, through the AVP, shall proceed expediently with respect to any proceedings pursuant to this policy, while respecting the principles of procedural fairness. Saskatchewan Polytechnic shall establish its own procedures, and is not bound by the strict rules of evidence.
- 10.2 The AVP, or in the case of an appeal the president, where appropriate, may vary the timelines established under this policy to ensure a fair and just process that addresses the underlying concerns.
- 10.3 Whenever possible, anyone observing or experiencing conduct which appears to violate this policy should bring to the attention of the violating party the conduct is unwelcome, or seek the assistance of the person responsible for supervising or overseeing the respondent in letting the violating individual know the conduct is unwelcome.
- 10.4 Any member of the Saskatchewan Polytechnic community may seek advice and assistance respecting the submission of complaints of harassment from student relations officers or the AVP, human resources or designate.
- 10.5 Harassment complaints must be received within one year of the date the alleged harassment became known or ought reasonably to have become known to the complainant. Where appropriate, the respective AVP may extend this deadline.

## **11.0 Confidentiality**

Saskatchewan Polytechnic will make every effort to ensure that a complaint made pursuant to this policy is kept in confidence and will not disclose the names of parties, or circumstances giving rise to the complaint, to any person except as necessary to investigate, to respond to any legal and/or administrative proceedings arising under this policy, to take corrective action with respect to the complaint, or where such disclosure is required by law.

## **12.0 Communication**

All communications with complainants, respondents or other persons involved in a complaint shall be marked "Confidential; to be opened by addressee only" and may be sent via email, delivered in person by a Saskatchewan Polytechnic human resource employee or, if necessary, sent to the last residential address registered with Saskatchewan Polytechnic.

## **13.0 Informal Resolution Procedures**

Parties to a complaint may agree and consent to informal resolution procedures when appropriate. Such procedures are intended to bring about timely resolution and relief, ensure



the complainant and respondent remain in control of the resolution, and arrive at a resolution that is acceptable to all parties.

13.1 At any time during formal resolution processes, mediation is an option. If the AVP recommends mediation, or where both the parties desire that resolution be sought through mediation, they shall, within 15 business days, appoint a person to facilitate such a resolution.

13.2 If a proposed resolution of the complaint is achieved, the complainant and respondent shall notify the AVP in writing. All resolutions must be approved by the AVP before implemented. If no resolution is achieved, the AVP shall be so advised by the facilitator. In such cases, the AVP will authorize an investigation or dismiss the complaint.

13.3 Discussions between the complainant, the respondent, and the facilitator are confidential and cannot be used in any other proceedings.

## **14.0 Responsibilities**

While this policy recognizes that all members of the Saskatchewan Polytechnic community share responsibility for achieving and maintaining a work and study environment free of harassment, it is imperative that accountability for the accomplishment of certain key responsibilities be assigned.

### **14.1 Responsibilities of Senior Managers and Supervisors**

Within their portfolios, senior managers and supervisors bear a special administrative responsibility for creating and maintaining work and study environments free of harassment.

In practice this administrative responsibility includes:

- Modelling inclusive and respectful behaviours in their interactions with others.
- Informing themselves and the staff, students, and instructors for whom they are responsible of the provisions of this policy and procedures and supporting awareness about harassment in general.
- Ensuring, within their portfolio, that due process is maintained when dealing with staff, students, instructors, or other members of the Saskatchewan Polytechnic community who are involved with the resolution of complaints of harassment.
- Promoting and supporting the educational efforts of Saskatchewan Polytechnic to inform its community about harassment.
- Seeking resolutions to complaints of harassment within their portfolios and seeking the advice of the student relations officers or the AVP, human resources or designate when appropriate.
- Ensuring prompt relief from harassment within their portfolios.
- Ensuring appropriate disciplinary measures are imposed when required, in consultation with the AVP.



## 14.2 Responsibilities of the AVP (AVP)

In addition to specific procedures mentioned previously, the responsibilities of the AVP include:

- Referring those complaints which do not meet the threshold of harassment to supervisors or student relations officers where additional follow-up is needed. This may include suggesting informal resolution procedures where appropriate.
- Initiating an investigation without a written complaint in order to ensure the creation and maintenance of work and study environments free of harassment.

In the event the AVP is not able to perform the responsibilities of this policy because of a conflict of interest or other reason, the responsibilities will be performed by the provost & vice president, academic, or the CFO & vice president, administrative services.

## 14.3 Responsibilities of Human Resource Consultants

The responsibilities of the human resource consultant include:

- Providing confidential advice and assistance respecting this policy and procedures to all Saskatchewan Polytechnic employees.
- In consultation with the AVP, human resources, suggesting informal resolution procedures where appropriate.
- Providing context and assistance to an out-of-scope manager who is planning or conducting a work or study environment review.
- Within the limits of confidentiality and privacy legislation and policy, coordinating their activities with others who may be attempting to improve a work or study environment including staff of Human Resources and Student Services.

## 14.4 Responsibilities of Student Relations Officers

The responsibilities of Student Relations Officers include:

- Providing confidential advice and assistance respecting this policy and procedures to all Saskatchewan Polytechnic students.
- Assessing harassment complaints and responding according to the process in the Student Code of Conduct (Non-academic) #1211.
- Coordinating with the AVP, human resources if an employee is either the complainant or respondent in a harassment complaint.
- Providing context and assistance to an out-of-scope manager who is planning or conducting a work or study environment review.
- Within the limits of confidentiality and privacy law, coordinating their activities with others who may be attempting to improve a work or study environment including staff of Human Resources and Student Services.

## 14.5 Responsibilities of Employees and Students

All members of the Saskatchewan Polytechnic community, including employees and students, have a crucial role to play in the creation of work and study environments which are free from harassment. The responsibilities of employees and students include:

- Modelling inclusive and respectful behaviour in their interactions with others.
- Familiarizing themselves with the Harassment policy and procedures.
- Assisting others who may be subjected to harassment in obtaining the advice and assistance they require.
- Reporting harassing behaviour to senior managers, supervisory personnel or Student Relations officers.

#### 14.6 Responsibilities of the Harassment Prevention Committee

The Saskatchewan Polytechnic Harassment Prevention Committee is a broadly representative committee that advises the AVP, human resources and AVP, student services on matters related to harassment. The committee is chaired in rotation by the AVP, human resources and the AVP, student services.

Specifically, the committee is responsible for:

- Reviewing and recommending revisions to this policy and procedures.
- Identifying emerging issues related to the creation and maintenance of work and study environments free of harassment at Saskatchewan Polytechnic.
- Assisting in the determination of training needs related to harassment.
- Receiving annual reports of internal statistics and activities pertaining to harassment.



## APPENDIX A HARASSMENT COMPLAINT TEMPLATE

**1. Complainant (Person Reporting)**  Student  Employee  Other

Name: Click or tap here to enter text.

Program/Division/School: Click or tap here to enter text.

Email: Click or tap here to enter text.

Phone: Click or tap here to enter text.

Mailing Address: Click or tap here to enter text.

**2. Respondent (Person Accused)**  Student  Employee  Other

Name: Click or tap here to enter text.

Program/Division/School: Click or tap here to enter text.

Email: Click or tap here to enter text.

Phone: Click or tap here to enter text.

Mailing Address: Click or tap here to enter text.

**Date of Incident** (start date if more than one): Click or tap to enter a date.

**Nature of Harassment** (choose all that apply):

Verbal  Physical  Written  via Social Media  Other

Incident Involved:

Discrimination  Harassment  Bullying  Assault  Other

**Preliminary Steps:**

Please indicate whether or not the following preliminary steps have been followed, and if not, please provide an explanation:

- Have you raised the issue with the respondent?  Y  N
- Have you notified an instructor/supervisor?  Y  N
- Have you attempted to address this issue through any other process or policy?  Y  N

**Description of Harassment:**

- Provide as much detail (e.g. dates, locations) as possible stating only what was witnessed.
- Use as much space as necessary (and/or you may submit a letter or other document with this form as necessary).

Click or tap here to enter text.

**Witnesses:** (Other persons who may have witnessed Incident)

1. Click or tap here to enter text.
2. Click or tap here to enter text.
3. Click or tap here to enter text.
4. Click or tap here to enter text.

**Acknowledgement by Complainant**

I acknowledge having read the Saskatchewan Polytechnic Harassment policy #601 and Code of Conduct policy #703. I understand my right to be accompanied by an advisor or support person who is a member of the Saskatchewan Polytechnic community.

---

Signature of Complainant

Date

**Acknowledgement of Saskatchewan Polytechnic Receiving Complaint**

---

Signature of employee receiving Harassment Complaint:

Date

---

Print Name and Title



## APPENDIX B

# PROTOCOL FOR HARASSMENT INVESTIGATIONS

A copy of this protocol shall be provided to an investigator appointed by the AVP.

### 1.0 Timelines

Investigations of complaints must be completed in a timely manner. Under most circumstances investigations must be completed within 20 business days. The AVP may extend this time period where circumstances warrant.

### 2.0 Investigator Neutrality

- 2.1 Investigators will act in a neutral and objective manner throughout the course of an investigation.
- 2.2 An investigator shall excuse themselves from an investigation if it becomes apparent that a conflict of interest may impair their ability to be neutral or to appear to be neutral.
- 2.3 Any concern voiced by the complainant or respondent respecting a possible conflict of interest must be brought to the attention of the AVP who shall decide whether the investigator should continue.
- 2.4 The following are some guidelines as to when an investigator should remove themselves from an investigation or discuss the potential conflict of interest with the AVP:
  - 2.4.1 Where the investigator has a personal or professional relationship with the complainant or respondent.
  - 2.4.2 Where the investigator has dealt with either the complainant or respondent as principal parties in another complaint investigated by the investigator.
  - 2.4.3 Where the investigator has personal knowledge of the complaint.
  - 2.4.4 Where the investigator is aware of a personal bias or view which differs from the objectives of the Saskatchewan Polytechnic Harassment Policy.

### 3.0 Procedural Fairness

It is the responsibility of investigators to ensure procedural fairness governs the conduct of their investigations.

Specifically, the investigator shall:

- 3.1 Ensure the complainant and respondent know the substance of each other's cases.
- 3.2 Ensure the complainant and respondent are given full opportunity to respond to each other's cases.
- 3.3 Ensure the respondent is made aware of, and allowed to respond fully to, any new, relevant allegations or information which arise in the course of the investigation.

- 3.4 Treat all information received in an appropriately confidential manner.
- 3.5 Ensure the complainant and respondent are aware of their right to accompaniment and arrange interviews so as to facilitate that right.
- 3.6 Ensure the complainant, respondent and any witnesses are provided with the opportunity to verify the accuracy of notes taken during an interview.
- 3.7 Display neutrality in language both verbal and non-verbal.
- 3.8 Delay findings until all the evidence has been received and assessed.
- 3.9 Deal with the complaint in a serious manner.
- 3.10 Refer to the allegations as allegations throughout the investigation.

#### **4.0 Evidence of Retaliation**

- 4.1 Any form of retaliation or reprisal against a complainant or a witness to a complaint is strictly prohibited by the Saskatchewan Polytechnic Harassment Policy.
- 4.2 Investigators who determine that retaliation has occurred or may be about to occur should immediately inform the AVP.

#### **5.0 Investigation Procedures**

The investigator shall determine the procedures to follow based on the circumstances of the case and procedural fairness. The investigator's process will generally involve:

- 5.1 Witness statements or investigator notes of witness interviews should be validated by the witness.
- 5.2 Investigator notes of complainant and respondent interviews should be validated by the complainant or respondent.
- 5.3 All crucial witnesses should be interviewed in person. The investigator may determine less crucial witnesses can be interviewed by phone.
- 5.4 If there is any uncertainty about the relevance of a witness to the investigation, the investigator should clarify their pertinence with the parties. Witnesses must have some direct correlation to the allegations. To determine the relevance of their testimony, the investigator could ask the parties to describe how a certain witness will contribute to the investigation.
- 5.5 The investigator has the discretion to determine which witnesses to interview and may decide not to interview certain individuals if it is unlikely they will add any value to the investigation. For example, in assessing whether the testimony of a witness is relevant, the investigator may decide a great number of witnesses are not needed to substantiate the same allegation and that anything admitted by both parties will not need to be confirmed by a witness.

- 5.6 Critical inquiries about the relationship of the complainant and respondent and the relationship of witnesses to the complainant and respondent should be undertaken to assist in the assessment of credibility.
- 5.7 All important documents suggested by the complainant and the respondent or discovered in the course of the investigation should be reviewed.
- 5.8 Proper records of the investigation should be maintained including a log of all interviews, notes of all interviews, copies of all written statements, and copies of all documents, including electronic records, reviewed in the course of the investigation. Other pieces of physical evidence should be secured and logged.
- 5.9 Evidence that thoughtful consideration was given to both the complainant's and the respondent's version of events.
- 5.10 Evidence the investigation was focused, i.e. that it sought answers to the questions critical to substantiating or disproving the allegations.

## **6.0 Documents and Other Physical Evidence**

- 6.1 Physical evidence including documents relevant to the allegations should be secured in a timely way. If necessary, photographs of physical evidence should be taken and notarized as to their source.
- 6.2 A log of all documents and physical evidence should be maintained, including the source of the evidence and the date and time it was received.
- 6.3 Efforts should be made to authenticate all physical evidence and to ensure it has not been altered or tampered with in any way.
- 6.4 The investigator shall have in his or her records of the investigation copies of all documents reviewed and photographs or other reproductions of any other physical evidence considered, or when possible, the physical evidence itself.

## **7.0 Witnesses**

Witnesses should be advised of the following before the interview:

- 7.1 The purpose of the interview.
- 7.2 The authority for the investigation; i.e. the Saskatchewan Polytechnic Harassment Policy.
- 7.3 Of the witnesses' right to verify the investigator's authority through the office of the AVP.
- 7.4 Of the witnesses' protection from retribution.
- 7.5 Of the requirement to keep details of the interview confidential.
- 7.6 Of the investigator's responsibility to inform the AVP of the findings of the investigation.
- 7.7 Of the witnesses' right to ask for clarification of any questions the investigator may ask.



- 7.8 That there is no expectation that witnesses will have answers to all questions put to them, and that when this is so an answer such as “I don’t know” or “I don’t recall” is preferable to a speculative answer.

## **8.0 Investigation Report**

- 8.1 Upon completion of the investigation, the investigator shall submit a written report to the AVP.
- 8.2 The investigation report provides the basis for the resolution of the complaint. It should be a document which could stand alone as a permanent record of the investigation.
- 8.3 The report should anticipate and answer the questions of the AVP, who must determine whether a violation of the Harassment Policy has occurred and, if so, what actions, including possible disciplinary action, must be taken.
- 8.4 It is worth remembering that should the complainant or the respondent challenge the outcomes of the investigation, the report could be subject to scrutiny by an occupational health and safety officer, special adjudicator, the human rights commission or a court.
- 8.5 The investigation report shall include:
- 8.5.1 A description of the harassment issue;
  - 8.5.2 An outline of the process used to collect evidence;
  - 8.5.3 A description of the evidence relevant to making a determination;
  - 8.5.4 A listing of the facts relevant to a determination and a statement as to whether these facts are undisputed or determined on the balance of probabilities;
  - 8.5.5 Any relevant assessments of the credibility of the complainant, the respondent or any witnesses;
  - 8.5.6 An identification of any contentious issues and the investigator’s determination on the balance of probabilities of those issues;
  - 8.5.7 An account of how witnesses were chosen for interviews and the basis for excluding any witnesses proposed by the complainant and respondent;
  - 8.5.8 A review of the relevant documents reviewed in the course of the investigation;
  - 8.5.9 A copy of the log of interviews should be attached to the report, as should a copy of the log of documents and other physical evidence.
  - 8.5.10 The investigation report should include the investigator’s opinion as to whether the facts as determined constitute a violation of the Saskatchewan Polytechnic Harassment policy.