



Draft Policy for Consultation

Respectful Learning Environment Policy

Feedback can be sent to Policy@Mun.ca

Authority

The Provost and Vice-President (Academic) through the Associate Vice-President (Academic) and Dean of Students.

Purpose

The purpose of the Respectful Learning Environment Policy is to provide a mechanism to have Concerns and Complaints of Students, regarding University Employees, addressed in relation to Learning Environments; and to align with Memorial University's responsibilities under the provincial [Human Rights Act, 2010](#).

The University's goal is to be a dynamic, respectful, and welcoming community with the aim to be a place of proactive programs, inspired learning, dynamic research, commitment to communities, and promotion and pride. The fostering of respectful learning environments is a critical component in achieving these goals along with a number of university policies and procedures that help Memorial emphasize inclusion and equity, service, innovation, care and well-being, and achievement, amongst all members of the University Community. These include:

- Memorial's [Respectful Workplace](#) policy deals with Concerns and Complaints that arise amongst University Employees.
- Memorial's Student Code of Rights and Responsibilities deals with Concerns and Complaints that arise involving Students.
- Memorial's [Sexual Harassment and Sexual Assault](#) policy and its procedures deal with Complaints of a sexual or gender identity nature.
- Matters of an academic nature are addressed in academic regulations within the [University Calendar](#).



- The unit specific Professional Suitability Policy and Procedures, as may be implemented, deals with conduct involving professional suitability which may also apply to matters that are subject to this Policy.

In situations where the same conduct is the subject matter of the Complaint or Concern under more than one internal policy, procedure or regulation, the units responsible for each policy must coordinate the process to be utilized as necessary and appropriate.

Scope

Students of the University and University employees.

Exclusions include undergraduate and postgraduate Learners enrolled in the Faculty of Medicine who are subject to the [Policy for the Resolution of Incidents of Learner Mistreatment in the Faculty of Medicine](#) for matters addressed herein.

This policy does **not** cover decisions made on academic matters such as the assignment of grades, methods of evaluation, and course structure and methods. Students who have a Complaint of an academic nature should, in the first instance, speak to their instructor. If they are not satisfied with the instructor's response, they may take their concerns to the Department or Division or Discipline Head, Dean or Director (as appropriate). Students who are dissatisfied with decisions resulting from this approach are directed to the appropriate Academic Appeal Procedures as specified in the [General Academic Regulations \(Undergraduate\)](#) or the [Graduate Studies General Regulations](#).

Definitions

Academic Unit - refers to a centre, department, discipline, division, faculty, program or school, other than an administrative unit, as the context requires.

Actions – Activities that may assist in helping parties reach an early resolution of a Concern or which result from the outcome of an Investigation in relation to a formal Complaint.

Bullying - Repeated, unreasonable, habitual and unwelcome behaviour directed to a person or a group e.g. sabotaging work equipment, interfering with someone's ability to perform their duties, exclusionary practices, cyber bullying, etc.



Complainant – A Student(s) (see definition below of “Student”) who raises a Concern or a Complaint applicable under this policy.

Complaint – A written statement outlining a concern by a Student(s) pursuant to this policy.

Concern – A situation which is of concern to a Student(s), which may or may not be in writing, which they wish to resolve without proceeding to a Complaint.

Day(s) – A weekday when the University is open for the transaction of administrative business,

Elder(s)- person(s) recognized by their Indigenous community/ies as a holder of Indigenous wisdom, knowledge and history and who supports and guides learning in Indigenous groups by imparting tradition, knowledge, culture, values and lessons using role modeling and traditional practices. Elder is not necessarily a position or an age.

Frivolous - Devoid of merit.

Harassment – Comments or conduct that involve objectionable behaviours which are abusive, offensive, demeaning or vexatious that are known or ought reasonably to be known to be unwelcome which may be intended or unintended. Harassment includes Personal Harassment and Harassment based on Prohibited Grounds of Discrimination which includes race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, marital status, family status, source of income and political opinion. For resolution of incidents of sexual harassment and sexual assault, refer to the University’s Sexual Harassment and Sexual Assault Policy.

Examples of Harassment include, but are not limited to:

- Verbal abuse, yelling, and/or making threats;
- Making degrading or offensive comments, gestures, and/or jokes;
- Belittlement/humiliation;
- Spreading malicious gossip or rumours;
- Inappropriate communication through social media, e-mail, or instant messaging;
- Actual or threatened physical contact or assault;
- Bullying or intimidation;
- Pressuring students to exceed established restrictions on work or duty hours; and/or
- Threats made or implied about a recommendation, the student’s grade, or the Student’s career.



Harassment may occur during a single serious incident or a series of single incidents. Whether or not a single incident constitutes Harassment will depend on the nature and type of incident(s).

Mistreatment, for example, does not include:

- a. Interpersonal conflict or disagreement, which is expressed in a respectful manner;
- b. Performance feedback, which is expressed in a respectful and appropriate manner; or
- c. Discipline or remediation conducted in a respectful and appropriate manner.

Head of Campus – For the purpose of this policy, this is the Associate Vice-President (Academic) and Dean of Students or delegate for students for the St. John’s campus, Signal Hill Campus, Harlow Campus and Labrador Campus, the Associate Vice-President, Academic and Student Affairs at the Marine Institute, the Vice-President of the Grenfell campus..

Investigator – The person (who may be internal or external and who has no real or perceived conflict of interest or reasonable apprehension of bias) appointed by the Head of Campus when an investigation is required in relation to a Complaint under this policy.

Investigative Report – A written summary of the evidence and any conclusions reached by the Investigator in regards to a Complaint under this policy.

Learning Environment – Venues where Students and University Employees interact. This includes but is not limited to: on-line environments, classroom settings, laboratories and places such as a Learning Commons and/or the setting for some form of experiential learning or extracurricular activities.

Learning Environment Assessment – An independent third-party review conducted by the Investigator of the Learning Environment in a particular unit with goals consistent with the purpose of this policy.

Legal Authorities – The legal entities, external to the University, who have the responsibility and jurisdiction to uphold and enforce the law including the Criminal Code, R.S.C., 1985, c. C-46, as amended (The Criminal Code).

Member of the University Community - Any person who teaches, conducts research, studies or works at or under the auspices of the University and includes, without limitation, all employees, all students; and any other person(s) while they are acting on behalf of or at the request of the University. Students and employees include former students and employees while they were still members of the University if reported incidents of harassment occurred within the time limits set out in this Policy.



Respondent – A University Employee(s) against whom a Complaint has been made pursuant to this policy.

Restorative Justice – A philosophy and approach that emphasizes the role of the person(s) impacted and community members through active involvement in the process, holding individuals directly accountable to the people and communities harmed by their conduct and providing a range of opportunities for dialogue, negotiation and problem solving whenever possible.

Retaliation – Any threat of reprisal or attempt to intimidate or any adverse behaviour or action taken against a Student(s) in response to that initial person having:

- invoked this policy;
- participated or cooperated in any investigation under this policy; or
- been associated with a Student(s) who has invoked this policy or participated in any of its processes.

Sexual Harassment - Conduct or comments of a sexually-oriented or gender-oriented nature based on gender expression, gender identity, sex or sexual orientation directed at a person or group of persons by another person or persons, who knows or ought reasonably to know that such conduct or comments are unwelcome or unwanted. It includes Sexual Assault and assisting in Sexual Harassment.

Student – Individual currently or previously registered at the University within the last 30 days and persons residing in Student Residences, who are not employees and who are not otherwise defined as Students in this section.

Support Person(s) – An individual providing support to a Complainant or Respondent. It can be beneficial for a student to have a support person accompany them throughout the process. Examples of a support person can include a family member, friend, Elder, community member, MUNSU representative, etc. This individual must not be a witness to the complaint and must not be in a conflict of interest position by virtue of involvement. The support person is not permitted to answer questions for the Complainant or Respondent or inhibit or interfere with the proceedings in any way.

Unit Assessment- means an independent third-party review of the learning or residence environment that seeks to gather information relative to the issues of student misconduct (non-academic) and to identify causes and effects and to make recommendations to the Head of Campus.



Unit Head – For the purpose of this policy, Unit Head is the term used to mean supervisor, manager, director, executive director, department head, division head, discipline chair, school head, associate dean, vice- dean, dean, dean of libraries, university registrar and other senior administrators; vice-provost, associate vice-presidents, vice-presidents, the president, as appropriate.

University – Memorial University.

Policy

This Policy is a part of the Memorial University policy framework that fosters respectful Learning Environments, both inside and outside of classrooms, which emphasize fairness, accountability, safety and mutual respect amongst all members of the University Community.

1. General

1.1 Students and University Employees are to respect the human rights of all members of the University. Students and University Employees are to comply with the provisions of this policy including the confidentiality obligations and the expectation to participate in any procedures taken under this policy.

1.2 Students and University Employees have a responsibility to:

- a. model respectful behaviour and refuse to engage in or condone behavior contrary to this policy;
- b. encourage a Respectful Learning Environment;
- c. participate in and facilitate participation in education and training about this policy and its related procedures;
- d. familiarize themselves and comply with this policy and its related procedures;
- e. where and when appropriate, advise others of this policy and its related procedures; and or
- f. seek advice and guidance regarding possible situations that are contrary to this policy.



1.3 In addition, those with academic or administrative authority bear a particular responsibility to maintain and to promote a respectful Learning Environment by taking prompt action should situations contrary to this policy occur. This includes but is not limited to:

- a. seeking advice about how to carry out these responsibilities from the director of student life (St. John's campus), the director, student affairs (Marine Institute); the registrar/ director of student services (Grenfell campus) and/or the appropriate **Head of Campus** in order to facilitate addressing Concerns and Complaints in a prompt, confidential and fair manner;
- b. addressing incidents that occur in the unit in a timely and confidential manner;
- c. upon request, participating in the resolution of Complaints and Concerns; and
- d. implementing any recommendations from the processes of this policy, which may include disciplinary action.

1.4 The University may take steps under this policy as a Complainant. The process and investigation of allegations will be in accordance with the procedures for Concerns and Complaints of student non-academic misconduct.

2. Process

2.1 The informal resolution process is a primary objective of this policy. All attempts should be made at the unit level to resolve any Concerns as soon as possible, in a fair and respectful manner without invoking the formal Complaint process. Every reasonable effort should be made to resolve the Concern early with open communication and in a responsive manner, which may include mechanisms such as coaching, mediation, training, counselling and facilitation provided by the appropriate professional and organized at the unit level. See Procedure for Early Resolution of Respectful Learning Environment Concerns.

2.2 If early resolution of a Concern is not successful or not appropriate, or the behaviour continues or reoccurs, a Student(s) may seek to file a Complaint in accordance with the Procedures.

2.3 This policy and related procedures do not restrict the right of individuals to file a separate Complaint with the Newfoundland and Labrador Human Rights Commission, invoke the [*Criminal Code of Canada*](#) or appropriate collective agreement, or legal rights. Complaints under this policy that



are pursued under one of these other areas may, be held in abeyance under this policy pending the outcome of the other process.

In situations where the same conduct is the subject matter of the Complaint or Concern under more than one internal policy, procedure or regulation, the units responsible for each policy must coordinate the process to be utilized as necessary and appropriate.

2.4 Conflicts in the Learning Environment involving disruptive, threatening or violent behaviour where a person's personal safety and security may be in danger should be reported immediately to appropriate campus enforcement or security officials on the respective campus or to Legal Authorities, in accordance with the University's [Assessment and Care Protocol for Threatening, Disturbing and Violent Behaviour](#).

3. Learning Environment Assessment

3.1 Where circumstances warrant, the appropriate **Head of Campus** may authorize a Learning Environment Assessment which would include an independent third-party review of the Learning Environment in question to gather information relating to issues of respect for students in that environment from the relevant University Employees.

4. Frivolous or Vexatious Complaints

4.1 If a review or investigation determines that a Complaint is Frivolous or Vexatious, disciplinary action may be taken against the Complainant.

4.2 Any imposed discipline for a Student related to Frivolous or Vexatious Complaints will be taken in accordance with the Student Code of Rights and Responsibilities.

5. Time Limits

5.1 A Concern or Complaint should be brought forward in a timely fashion, normally within twelve (12) months of the incident(s) or six (6) months of when the Complainant reasonably became aware of the incident(s).



6. Conflict of Interest

6.1. Members of the University Community are subject to and must comply with the University's [Conflict of Interest](#) policy and procedures. See the Conflict of Interest Situations section in the Conflict of Interest policy. Members should also refer to any Conflict of Interest provisions and relevant clauses in the appropriate collective agreement, University [Guide for Non-Bargaining, Management and Professional, and Senior Administrative Management Employees](#) or other applicable documents.

7. Confidentiality

7.1 All matters relating to Respectful Learning Environment policy and procedures shall be handled with confidentiality and in accordance with the [Access to Information and Protection of Privacy Act, 2015](#), other privacy legislation to which the University is subject, and the University [Privacy Policy](#). While nothing in this section shall be construed so as to prevent a Complainant or Respondent from seeking advice and guidance, all persons involved in the Complaint (including personal supports) related to this policy are required to maintain confidentiality with respect to the process, any information provided by other parties or witnesses to the process and subsequent reports.

7.2 Only persons with a *bona fide* need to know the details of a situation will have access to such information and access is limited to the scope of their responsibilities. Anyone who attempts to gain or succeeds in gaining access to personal information with respect to a Concern or Complaint, where such information is not needed to perform the scope of their responsibilities, does so in violation of this policy and may be in violation of the [Access to Information and Protection of Privacy Act, 2015](#).

7.3 Delivery of all written statements and reports shall be made in a confidential and secure manner, stating "to be opened by addressee only".

7.4 A breach of confidentiality by any individual with respect to a Concern or Complaint may be subject to disciplinary or other appropriate action.

7.5 Respondent and Complainant are entitled to have access to all relevant information created or gathered for an investigation. In addition, witnesses who participate in an investigation may request information that relates to their statements to the investigator.

7.6 Confidentiality may not apply to persons subject to extra-University judicial processes, or where disclosure is permitted or required by law such as in accordance with [Access to information and Protection of Privacy Act, 2015](#), or where the health, safety and security of a person or persons is a concern or where disclosure is needed to conduct an investigation or to impose discipline. In such circumstances, information, as appropriate would only be shared with those with a *bona fide* need to know.

8. Interim Measures

8.1 Where a Concern or Complaint has been reported, the University will exercise care to protect and respect the rights of the Complainant and the Respondent. The University understands that Complainants may wish to control whether and how their experience will be dealt with. When deemed appropriate the Director of Student Life (St. John's Campus); Director of Student Affairs (Marine Institute); or the Registrar/Director of Student Services (Grenfell Campus) may recommend to the Unit Head that interim measures be implemented to protect the well-being, safety and security of the Complainant, Respondent, or both, or to protect other Members of the University Community while a situation is being addressed. Such measures will be precautionary, not disciplinary and do not indicate a finding of fact.

8.2 Any decision and action by the Director of Student Life (St. John's Campus); Director of Student Affairs (Marine Institute); or the Registrar/Director of Student Services (Grenfell Campus) or delegate to recommend interim measures shall be made in good faith and in an independent, impartial and fair manner towards the Complainant or the Respondent under the Procedures, and shall not in any way be deemed to be an indication of bias or evidence or finding of fact, on the part of the Unit Head (or delegate) towards either the Complainant or Respondent.

8.3 Failure to comply with conditions of an interim measure may become part of any investigation.

8.4 The Director of Student Life (St. John's Campus); Director of Student Affairs (Marine Institute); or the Registrar/Director of Student Services (Grenfell Campus) may make changes to the



interim measures, where necessary and appropriate. If a change is made to interim measures, notice of the change shall be provided by the Unit Head to the Respondent and the Complainant in the same manner as the original notice of interim measures.

8.5 If the Director of Student Life (St. John's Campus); Director of Student Affairs (Marine Institute); or the Registrar/Director of Student Services (Grenfell Campus) identify a pattern of behaviour in a Respondent (e.g. two or more incidents), follow-up will occur with the Respondent's administrative head.

9. Accommodation

9.1 In certain circumstances the duty to accommodate for services, facilities and academic purposes may be required, under the provisions of the [Newfoundland and Labrador Human Rights Act](#). In these circumstances, the **Unit Head will** facilitate the process of accommodation, while maintaining confidentiality. See also the University's [Workplace Accommodation Policy](#) and [Accessibility for Students with Disabilities policy](#).

10. Records, Reports and Retention

10.1 All records related to a Concern or Complaint are handled in accordance with the University's [Information Management](#) policy, [Privacy](#) policy, the [Access to Information and Protection of Privacy Act, 2015](#), related University policies and other applicable legislation.

10.2 The Director of Student Life (St. John's Campus); Director of Student Affairs (Marine Institute); or the Registrar/Director of Student Services (Grenfell Campus) shall keep a record of consultations, any advice given, and any outcome achieved. A summary report of the number, the type and the disposition of Complaints is prepared by the Director of Student Life (St. John's Campus); Director of Student Affairs (Marine Institute); or the Registrar/Director of Student Services (Grenfell Campus) annually and submitted to the Associate Vice-President (Academic) and Dean of Students in a format that does not identify individual cases or people. Reports are provided in an aggregate format in line



with Memorial's information management policy. Reports are made available to the President's Advisory Team through the Student Matters Steering Committee.

11. Retaliation

11.1 No person shall retaliate against another for bringing forward a Concern or Complaint or for being involved in any process related to this policy. The University considers Retaliation at any stage to be a serious offence. Where there is evidence of Retaliation, the same route as for dealing with a Concern or Complaint will be followed.

11.2 Any imposed discipline related to Retaliation will be taken in accordance with the [Guide for Non-Bargaining, Management and Professional, and Senior Administrative Management Employees](#), the [Student Code of Rights and Responsibilities](#), the applicable [collective agreements](#) or other applicable contractual provisions.

11.3 A breach of confidentiality by any person with respect to a Concern or Complaint may also constitute Retaliation.

12. Appeals

12.1. Subject to the rights of employees under applicable collective agreements and employment policies, decisions under this policy are final. Decisions are not subject to appeal by the Complainant except at the discretion of the President or the Board of Regents.

12.2 The outcome of the decision may only be appealed on one or more of the following grounds:

- a) there is evidence of a conflict of interest;
- b) there was a significant error in process;
- c) the result is patently unreasonable; and/or
- d) there is significant new evidence that was not available at the time of the decision, which has the potential to change the outcome of a case.

Disagreement with a decision and/or sanction does not constitute grounds for appeal.



12.3 Respondents have the right to appeal or grieve decisions or discipline imposed, in accordance with the following:

- a) In the case of non-bargaining unit employees, appeals shall be filed in accordance with the Complaint and appeal procedures as outlined in the [Guide for Non-Bargaining, Management and Professional, and Senior Administrative Management Employees](#);
- b) In the case of bargaining unit employees, the Respondent has the right to file a grievance regarding any discipline and the decision of the appropriate **Unit Head** under the terms of the applicable collective agreement where these apply.

Related Documents

[Access to Information and Protection of Privacy Act](#)

[Accessibility for Students with Disabilities Policy](#)

[Assessment and Care Protocol](#)

[Conflict of Interest Policy](#)

[Criminal Code of Canada](#)

[Employee Assistance Program](#)

[Equity, Diversity and Inclusion in Employment Policy](#)

[Guide for Non-Bargaining, Management and Professional, and Senior Administrative Management Employees](#)

[Information Management policy](#)

[Memorial University Calendar 2021-22](#)

[Newfoundland and Labrador Human Rights Act](#)

[Privacy Policy](#)

[Respectful Workplace Policy](#)

[Sexual Harassment and Sexual Assault Policy](#)

[Student Code of Rights and Responsibilities](#)

[Workplace Accommodation Policy](#)



Contact

For Inquiries Related to this Policy:

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Sponsor: Provost and Vice-President (Academic)

Category: Human Rights