

EDUCATIONAL AND WORKPLACE HARASSMENT AND DISCRIMINATION

BACKGROUND

Northern College is a community of diverse races, creeds, cultures, and social affiliations. We are committed to promoting and supporting a workplace and learning environment where everyone can work and study together in an atmosphere free of harassing or demeaning treatment, in a climate of mutual respect. We value each member of our community for their individual and unique talents, and applaud all efforts to enhance the quality of our lives. We recognize that each individual's effort is vital to achieving the goals of Northern College.

In the event that harassment or discrimination of any type is alleged, every effort will be made to work with the people involved to find a fair and timely resolution of the matter. It is recognized that the most effective way to deal with harassment and discrimination is through preventive action, including informing, educating, the establishment of accountability requirements and good management.

Guiding principles regarding the conduct expected of College employees in the performance of their duties can be found in Northern College's Code of Conduct and Conflict Interest policies.

POLICY

Northern College will foster a climate in which all individuals are treated with respect and dignity and in which the human rights of its employees, students, contractors and volunteers are respected. Harassment and discrimination will not be tolerated by the college in its educational, employment or business dealings both on and off campus.

Specifically:

- a) Harassment, sexual harassment and discrimination, including that which is prohibited by the Ontario Human Rights Code ("the Code") and the Ontario Occupational Health and Safety Act, will not be tolerated.

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- b) Instances of harassment or discrimination committed by or against an employee while the employee is engaged in College-related duties or activities in a workplace is unacceptable and will not be tolerated.
- c) Every individual has the right to file a complaint of harassment or discrimination, participate or cooperate in an investigation, provide information relevant to the complaint or act in any role under this policy without fear of retaliation or reprisal. The rights of both complainants and respondents will be safeguarded to the extent possible with respect to the hearing of complaints.
- d) The College recognizes its responsibility to deal quickly, fairly and effectively with complaints of harassment and discrimination should they arise.
- e) The College will take all reasonable steps to ensure awareness of this policy, and will be proactive in undertaking an education/prevention campaign in relation to its provisions.
- f) Any person who believes they have been subject to harassment or sexual harassment or discrimination continues to have the right to make application to the Ontario Human Rights Tribunal. In addition, every person retains their right to pursue other applicable legal avenues, such as through a collective agreement or the justice system, even when steps are being undertaken by the College. The College procedures may continue at the same time a person is exercising his/her rights outside of this policy (when appropriate).

This policy applies to all employees, contractors, students, and volunteers in the pursuit of college duties or while engaged in college-related activities.

A. DEFINITIONS AND TERMS

1. Workplace Harassment

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Examples of workplace harassment include, but are not limited to:

- a) Unwelcome jokes, slurs, innuendoes or taunting;
- b) Behaviour or conduct which might reasonably be expected to cause harm, discomfort, offence or humiliation;

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- c) Body language or gestures that are disrespectful;
- d) Inappropriate communication via electronic mail and/or attainment, display and distribution of improper information from the internet;
- e) Inappropriate, unwelcome touching, come-ons or sexual flirtation;
- f) Display of sexually offensive pictures or objects.

Workplace harassment does not include:

- a) A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace.
- b) Performance management, coaching, feedback, performance appraisals, and performance improvement plans;
- c) Appropriate and justifiable disciplinary action;
- d) Providing fair and reasonable constructive feedback or evaluation;
- e) Assigning additional work;
- f) Voicing minor differences of opinion;
- g) Showing frustration or annoyance, where such behaviour is objectively justified and displayed in a respectful manner without any threat of violence, intimidation or other reprisals, and where it is shown only on an occasional basis.

2. Workplace Sexual Harassment

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

3. Discrimination

One or a series of action(s) or behaviour(s) related to one or more of the prohibited grounds, as defined by the Ontario Human Rights Code (“the Code”), that results in unfavourable or adverse treatment which negatively affects or could negatively affect the employment status of an employee or the status of a student.

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4. Workplace

Any place where business or work-related activities are conducted or any place where a working relationship exists. It includes, but is not limited to, the physical work premises, work-related social functions, work assignments outside of Northern College's work premises, work-related travel, work-related conferences, training sessions and any social media/internet activity.

5. Negative or Poisoned Environment

Refers to one or a series of comments or conduct that creates a negative environment (i.e. an offensive or intimidating climate for individuals or groups and related to the prohibited grounds identified in the Ontario Human Rights Code). The comment or conduct must be of a significant nature or degree and have the effect of "poisoning" the work environment. A complainant does not have to be a direct target to be adversely affected by a negative environment.

6. Vexatious or Bad Faith Complaint

A complaint in which a complainant makes allegations knowing them to be false or submits a complaint for a purely malicious or vindictive purpose.

7. Community Members

All employees, students, volunteers, contractors, clients, visitors and guest of Northern College.

B. RESPONSIBILITIES

1. Duties of College Community Members

- a) Promptly report incidents of apparent harassment and/or discrimination of which they have knowledge to the immediate supervisor and/or Human Resource Services.
- b) Students should report incidents of apparent harassment and/or discrimination of which they have knowledge to a Student Advisor or the Campus Manager or designate.
- c) Cooperate, when requested, in the investigation and/or resolution of complaints under this policy.
- d) Understand and comply with this policy and all related procedures.
- e) Participate in applicable education and training programs.

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2. Duties of Management

- a) Review all reported incidents of harassment and/or discrimination in a prompt, objective and sensitive manner.
- b) Act on observations or upon receiving reports alleging discrimination and/or harassment.
- c) Promote a working environment that is free of discrimination and harassment.
- d) Ensure that all those for whom this policy applies are aware of its existence and the issues it addresses.

3. Prevention and Education

- a) The College will provide reasonable educational training opportunities that permit College staff to develop the skills and knowledge to handle and prevent problems of harassment and discrimination.
- b) Managers and others in positions of authority within the College will be made aware of their responsibilities under this policy and under the Code and the Ontario Occupational Health and Safety Act in creating and maintaining an environment free from harassment and discrimination.

C. PROCEDURE

(Important information about the Complaint Resolution Process)

Any employee who believes that they have been the subject of harassment/sexual harassment may lodge a complaint.

- The employee should submit the complaint to their supervisor. If the alleged is the employee’s supervisor then the complaint should be submitted to the supervisor’s manager. Students should bring the complaint to a Student Advisor or a Campus Manager’s attention.
- A complainant may, at their discretion, decide to withdraw a complaint at any point in the complaints process. In the event of a withdrawal, the College may, at its discretion, continue to investigate the complaint.
- In some circumstances, the College may be obligated to proceed with an investigation in the absence of a formal written complaint if it becomes aware of allegations or facts. In these cases, the College will proceed with either informal resolution or an investigation, with the intent of stopping the alleged behaviour and/or preventing further incidents. In such cases, a particular individual will not be compelled to proceed with a complaint.

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- The complainant should carefully record details of all incidents including the date and time of the incident, the nature of the incident, and the names of any individuals who may have been witnesses to the incident(s).
- Where there are multiple complainants, the College shall have the discretion to determine whether the complaints shall be addressed as a single complaint or individual complaints, for the purposes of the Complaint Resolution Process.

STEP 1 (Informal Complaint Process)

1. The College recommends that, initially, provided the complainant is willing and able to do so, that they approach the respondent on an informal basis to identify the conduct of concern and explain to the respondent that it is unwelcome.
2. The complainant and the respondent may meet to discuss the nature of the concern and suggest/discuss ways in which it might be resolved. The parties may consult with any member of management and/or Human Resource Services and/or Student Advisors for direction and support.

STEP 2 Mediation (External Party – Optional)

1. Either party may make a request to their manager and/or Human Resource Services for an external party be engaged to assist with the resolution of the complaint.
2. The external party will be identified by Human Resource Services.
3. The external party will meet with relevant parties to gather information and suggest/discuss ways in which the complaint might be resolved. All discussions throughout mediation are privileged and confidential in the event a formal complaint is pursued.

STEP 3 (Formal Complaint)

1. If the harassment complaint cannot be resolved informally or through mediation, a written complaint may be filed to the employee’s manager and/or Human Resource Services.
2. The College shall determine who will investigate the complaint, as appropriate in the circumstances, including whether to use an internal or external resource, and shall determine the mandate and scope of the investigation.
3. A union or administrative (where applicable) representative may accompany either party (the complainant or the respondent) during information meetings for the investigation.
4. During the investigation process the respondent will have an opportunity to respond to the written complaint.

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5. The investigator shall have the ability to determine appropriate process. Upon completion of the investigation, the investigator will present their findings and conclusions to Human Resource Services. A summary of the complaint and results of the investigation will be provided to the complainant and respondent and the senior manager.
6. The President or their designee, in consultation with Human Resource Services, will determine the appropriate response to the investigation, which may include formal corrective action, education and training among other things.
7. The employee who has allegedly experienced workplace harassment and the alleged harasser (if they are also a worker for the employer) will be informed of the results of the investigation and of any corrective action that has been taken in writing.

Remedies and Sanctions

The College shall have complete discretion to impose remedies and sanctions as appropriate, including disciplinary action up to and including dismissal for just cause, where:

- a) Any member of the College Community subjects another member of the College Community to harassment or discrimination, or otherwise violates this policy;
- b) A complaint is found to be vexatious or made in bad faith;
- c) There is a reprisal or retaliatory measure against an employee who, in good faith, raises a complaint of harassment or discrimination within the meaning of this policy and/or cooperates in the investigation of a complaint.

Confidentiality

- a) Information relating to a complaint will be kept confidential to the extent possible in order to respect the interests of the parties involved. However, during the course of the investigation, information will be disclosed to the extent necessary to properly conduct the investigation and as may be required by this policy and the law. In so doing, the College will ensure compliance with the Ontario Freedom of Information and Protection of Privacy Act (FIPPA).
- b) Access by third parties to the report, or to any records collected or created during the course of the investigation will be in accordance with FIPPA, and the College will protect personal information contained in such records in the manner and to the extent required by FIPPA.
- c) Employees are expected to fulfill their responsibility to other members of the College Community by assisting and cooperating with the investigation of complaints, including sharing information with administrators.

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- d) Unwarranted breaches of confidentiality will result in disciplinary action. Gossiping about an incident will not be tolerated.
- e) All records relating to a complaint must be stored in a secure manner.

Students and Harassment/Discrimination


Students can make a complaint against a College employee, other students, contractor or volunteer under this policy. In these instances the present policy may be used in conjunction with the Student Handbook, as deemed appropriate under the circumstances.

The College will address incidences of harassment/ discrimination where students are named as respondents under the Student Handbook.

Review of the Policy

The College will review this Policy annually as required by legislation.

APPROVAL BY PRESIDENT



Fred Gibbons

September 7, 2016
Date

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