

CANADORE COLLEGE
OPERATIONAL PROCEDURES MANUAL

Procedures – Respectful College Community Policy

Background:

- 1.4.1 Canadore College believes in a Respectful College Community that reflects the principles found in The Ontario Human Rights Code which states that **every person** has a right to equal treatment with respect to the right to learn and work in an environment that is free from harassment and discrimination on all **prohibited grounds**: age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity or gender expression, disability, marital status, family status, or record of offenses.

1. Application:

- 1.1 **WHERE** Incidents that occur both on and off campus that adversely impact on a person's work or learning or create a poisoned environment.

This policy covers incidents of Human Rights violations that occur on campus, off-campus, at college-related social functions, in the course of work or academic assignments and placements off-campus, during travel required for work or learning, or by telecommunications, including telephone, fax, e-mail and on social media.

Incidents not related to work or learning may be referred to other legal avenues for handling such as the Ontario Human Rights Commission, The Criminal Code of Canada or the Freedom of Information and Protection of Privacy Act.

- 1.2 **WHAT** The following types of direct and indirect activities because of association, dealings with others or systemic are included:

1. Harassment
2. Sexual Harassment
3. Sexual Violence
4. Discrimination
5. Poisoned Environment
6. Systemic Harassment/Discrimination
7. Bullying/Psychological Harassment
8. Reprisals, Retaliation, or Threats of Reprisals

1.2.1 Harassment

Engaging in a course of vexatious comment or conduct related to one or more of the **prohibited grounds** that is known or ought reasonably to be known to be unwelcome.

Examples include: Gestures; Remarks; Jokes; Taunting; Innuendo; Display of offensive materials; Offensive graffiti; Threats; Verbal or physical assault; Unfair imposition of academic penalties or discipline; Stalking; Shunning or exclusion; Unwelcome or unwanted attention or comments.

1.2.2. Sexual Harassment

Engaging in a course of comment or conduct of a **gender-related or sexual nature** that is known or ought reasonably to be known to be unwelcome.

Examples include: Gestures; Remarks; Jokes; Slurs; Taunting; Innuendo; Threats; Physical, verbal or sexual assault; Sexual solicitation or advance; Invitations; Inappropriate staring; Display of sexually offensive pictures materials, or apparel; Unwanted contact, attention or demands; Implied or express promise of a benefit or advancement in return for sexual favours; Implied or express threat or act of reprisal if sexual favours are not given.

1.2.3. Sexual Violence

A broad term that describes any act of violence, physical or psychological, carried out through sexual means or by targeting a person's sexuality. This violence takes different forms including sexual abuse and sexual assault.

NOTE: Please see Canadore's Sexual Assault and Sexual Violence Policy – C-31

1.2.4. Discrimination

Action or behaviour that results in unfavourable or adverse treatment related to one or more of the **prohibited grounds** in the Human Rights Code.

*Examples include: Refusing to provide goods, services or facilities to a person or group identified by a **prohibited ground**; Refusing employment or benefits to a person identified by a **prohibited ground**; Barriers to accessibility for individuals with disabilities.*

1.2.4 Poisoned Environment

Action or behaviour related to one or more of **the prohibited grounds** that is serious enough to create a poisoned environment for individuals or groups. The comment or conduct must be of a significant nature or degree and have the effect of "poisoning" the work or learning environment. A complainant does not have to be a direct target to be adversely affected by a poisoned environment.

It includes conduct or comments that create an offensive, hostile or intimidating climate for learning or work.

*Examples include: exposure to graffiti, signs, cartoons, remarks, exclusion or adverse treatment related to one or more of the **prohibited grounds**.*

1.2.5 **Systemic Harassment/Discrimination**

Policies, practices, procedures, actions or inactions that appear neutral, but have an adverse impact based on one or more of the **prohibited grounds**.

An example would be exam schedules that conflict with important religious or cultural events.

NOTE: Exemptions may be sought under the Human Rights Code for special programs designed to benefit disadvantaged groups or individuals.

1.2.6 **Bullying/Psychological Harassment**

Bullying/psychological harassment refers to any vexatious behavior that is known, or ought to reasonably be known to be unwelcome and that takes the form of **repeated** conduct which could reasonably be regarded as intending to intimidate, offend, degrade or humiliate, and/or affects an individual's dignity or psychological or physical integrity, and/or results in a harmful learning or working environment.

Examples include but are not limited to: Berating/belittling an individual; repeated unwarranted criticism; undermining or deliberately impeding a person's work; spreading malicious rumours or gossip that is not true; physical gestures intended to intimidate, offend, degrade or humiliate an individual.

Note: Reasonable action by college administrators in the course of managing the college is not bullying/psychological harassment. Examples of reasonable action include but are not limited to the transfer, demotion, discipline, counsel or dismissal of employees or students in a reasonable manner; decisions based on reasonable grounds and facts, not to promote or grant another benefit in connection with a student or employee's employment or performance or the legitimate right and responsibility of professors/managers to conduct ongoing evaluation of performance which may include reasonable criticism of performance.

1.2.7 **Reprisals, Retaliation, or Threats of Reprisals**

There shall be no reprisals, retaliation or threats of reprisals against individuals who are pursuing their rights under the policy, participating or cooperating in an investigation, associating with someone who has pursued rights or participated in the process, or acting in any role under the policy.

2. **Resolution Principles**

2.1 Most complaints are resolved through **open and honest communication between individuals when and where the issue occurs**.

2.2 The college believes that **most complaints by students and staff can be effectively managed within their academic area or department**. Accordingly, members of the college community are encouraged, whenever possible, **to speak up and resolve issues directly with the person who is the subject of their concern**.

- 2.2 The college has the right at any time to take action that may diverge from this policy, even if the complainant decides not to pursue his/her complaint. **The college may take this action in the event that the safety of the college community is at risk or the violation is deemed to be so serious that it is imperative that immediate action be taken.**
- 2.3 This policy is not to be applied in such a way as to limit the right of college administrators to manage the college. If necessary disciplinary action may be taken in accordance with the Faculty and Support Staff Collective Agreements, Administrative Terms and Conditions of Employment and applicable Academic Policies for students.
- 2.4 During any or all stages of resolution, a support person may accompany either party. A support person may be a co-worker, friend, legal counsel or a union or student government representative. The role of the support person is to provide advice, support and assist in the resolution process.
- 2.5 The time limits set out in the Resolution Procedures of this policy refer to calendar days and exclude the period from Christmas Day to New Year's Day. These time limits may be extended by mutual agreement of all parties.

3. Resolution Procedures: STEP 1

- 3.1 If a violation of the policy (as described in this procedure) is believed to have occurred, **employees** should contact the Director of Human Resources and **students** should contact either the Director, Student Services or the Director, First People's Centre (FPC) or their designates (referred to as "Advisers").
- NOTE: If there is an immediate threat of assault or violence, please contact Campus Security Services directly at ext. 5555 or via cell phone at 705-498-7244. You may also refer to the [C-31 Sexual Assault and Sexual Violence Policy](#).
- 3.2 Complaints should be made as soon as possible but no later than **six (6) months** from the date of the incident.
- 3.3 Advisers will hear the circumstances of a complaint. After this consultation, the complainant may decide to:
- a) Take no further action;
 - b) Request in writing that the Adviser seek an informal resolution; or
 - c) File a formal written complaint with the Adviser requesting a **Step 2** inquiry. (PB-11 PROCEDURES - RESPECTFUL COLLEGE COMMUNITY POLICY – Complaint Form)
- 3.4 If the complainant requests an informal resolution, the Adviser will direct an investigation of the complaint and will inform the respondent of the complaint. The investigation will normally be completed within **thirty (30) days** of receiving the request from the complainant.

- 3.5 Informal resolution may include:
- Counselling for the parties
 - Communication with the respondent on behalf of the complainant
 - Mediation or other resolution process

Both the complainant and respondent must agree to the informal resolution.

- 3.6 If informal resolution is not reached, the complainant may file a formal written complaint with the Adviser requesting a **Step 2** inquiry.
- 3.7 The Adviser may initiate a **Step 2** inquiry without the complainant's consent if there appears to be sufficient cause to warrant such action.
- 3.8 If the Adviser determines that there is no basis for the complaint, the Adviser may terminate the investigation and will provide a written report to both parties.

4. Resolution Procedures: STEP 2

- 4.1 The complainant will file a formal written complaint with the Adviser requesting a formal inquiry. The complaint must include all relevant information such as dates, times, places and names of witnesses of the alleged incident(s).
- 4.2 Within **seven (7) days** of receiving the written complaint from the Adviser, the Director Human Resources or designate will inform the respondent that a complaint has been made and provide copies of the information received from the complainant. It is understood that the Director Human Resources will not be the same person who acted as the Adviser for the complaint.
- 4.3 Within **fourteen (14) days** of receiving the complaint, the respondent will respond in writing to the Director Human Resources who will provide the complainant with the response.
- 4.4 If a satisfactory response has been made, the complainant may choose to take no further action. If a response has not been made or if the response is not satisfactory, the complainant may request a formal inquiry of the complaint within **seven (7) days** after the time that a response was due from the respondent.
- 4.5 The Director Human Resources will select a 3-member Review Committee, ensuring appropriate gender or group representation.
- 4.6 The Review Committee will consider all evidence pertaining to the alleged violation, including oral and/or written submissions by the complainant, respondent, witnesses to the alleged incident(s) and any other evidence deemed relevant by the committee. The Review Committee may also consider the findings of the Adviser's investigation, if the complaint was investigated as part of the informal resolution process.

- 4.7 Within **thirty (30) days** from the appointment of the Review Committee, the Review Committee shall submit its written findings to the President. These findings will include suggested consequences that may range from complete exoneration of the respondent to disciplinary action, including dismissal or expulsion from the college.
- 4.8 The findings of the Review Committee will be by majority.
- 4.9 Within **two (2) weeks** of receiving the findings of the Review Committee, the President will convey the decision in writing to all parties. At any step of the procedure the college maintains the sole discretion to refer the investigation of a complaint to a third-party external investigator.
- 5.0 In cases of workplace violence or harassment, a Ministry of Labour (MOL) Inspector can also order the College to engage with a third-party to conduct an investigation as specified by the inspector.

STATEMENT OF INTENT

1. Decisions may be appealed through established policies and procedures including the provisions of existing collective agreements or academic policies.
2. Frivolous, vexatious or bad faith complaints may result in disciplinary action.
3. There will be no reprisal for complaints made in good faith.
4. Confidentiality shall be maintained to the extent possible, allowing disclosure as necessary for investigation and resolution purposes.
5. In the case of workplace violations, complainant and respondent workers will be informed of conclusions including results and nature of any corrective actions.
6. This procedure will be reviewed as often as necessary and at least annually in consultation with the JOHSC.

RELATED REFERENCES:

- [Ontario Human Rights Code \(The Code\)](#)
- [Occupational Health and Safety Act](#)
- [Freedom of Information and Protection of Privacy Act](#)

College Policies:

- [B-29 Safe College Community](#)
- HSES-AP-2.3.1.23 -Violence and Harassment in the Workplace
- [C-31 Sexual Assault and Sexual Violence Policy, Procedures and Protocol](#)

Collective Agreements:

- [OCAAT-Academic Employees Collective Agreement](#)
- [OCAAT-Support Staff Collective Agreement](#)

- PB-11 PROCEDURES - RESPECTFUL COLLEGE COMMUNITY POLICY – Complaint Form

**PB-11 PROCEDURES - RESPECTFUL COLLEGE COMMUNITY POLICY
COMPLAINT FORM**

PART I – THE PARTIES

COMPLAINANT - Confidential information - will not be shared:

Complainant's Name:

- Student
- Employee
- Other

Address:

Telephone:

Department / Program:

Campus:

RESPONDENT - Confidential information - will not be shared:

Respondent's Name:

- Student
- Employee
- Other

Address:

Telephone:

Department / Program:

Campus:

PB-11 PROCEDURES - RESPECTFUL COLLEGE COMMUNITY POLICY COMPLAINT FORM

PART II – COMPLAINT DETAILS

What is the nature of your complaint?

Respect

Workplace Harassment

Harassment and Discrimination *

* If your complaint alleges harassment and / or discrimination based upon a prohibited ground, please indicate the ground.

• Please describe, in your own words and in as much detail as possible the incident(s) including: (a) names of parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behavior and/or words used); (e) any additional details. (Attach additional pages if required).

Please describe what actions, if any, that you have taken to try to resolve this problem.

What resolution are you seeking?

Signature of Complainant

Human Resources

Date

Date

Note: Please note that this document and any attachments to it that you provide in the course of filing a complaint will be held in confidence by the College. The complaint form and its attachments will be disclosed to the respondent named in the complaint and to the investigator and mediators appointed to assist with the resolution of this complaint, as outlined in the policy procedures. Your signature confirms that you have been made aware of and give permission for the above use of this information.