

COLLEGE POLICY

Policy No. & Title:	P-103 Anti-Violence, Harassment & Discrimination
Policy Sponsor:	Director, People & Culture
Reference Cmtee:	Policy & Procedure Committee
Effective:	2021-08-01
Next Review:	2023-07-31

Purpose

College members have a right to work and study in an environment that is free from any form of violence, harassment and/or discrimination. The College has zero tolerance for violence, harassment and/or discrimination in all its forms.

What one person finds offensive, others may not. Usually, harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember ***it is the perception of the receiver*** of the potentially offensive message - be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome - that determines whether something is acceptable or not. The College is committed to creating a safe and positive space where individuals feel able to work and learn in an environment free from violence, harassment and/or discrimination.

Against this background, this policy seeks to prevent Violence, Harassment and Discrimination through proactive measures, and to ensure that the College effectively addresses and responds to reports of Violence, Harassment and Discrimination.

Scope

This policy applies to all College students, employees, delivery partners, affiliates, volunteers, and contractors.

Definitions

Violence or Bullying: The exercise, statement, or behaviour of physical force by a person against a student or College employee that causes or could cause physical injury to the student or College employee, such as:

- Physical acts (*e.g.*, hitting, shoving, pushing, kicking, sexual assault, throwing an object at a student, kicking an object the student or employee is standing on such as a ladder or trying to run down a student or employee using a vehicle or equipment such as a forklift).
- Any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.
- Disruptive behaviour that is not appropriate to the learning or working environment (*e.g.*, yelling, swearing).

Domestic Violence: A person who has a personal relationship with College employee or a student – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that individual. If such violence occurs while at the College, domestic violence is considered school violence.

Personal Harassment: Any unsolicited, unwelcome, disrespectful, or offensive behaviour of an underlying sexual, bigoted, ethnic, or racial connotation and can be typified as:

- Behaviour that is hostile in nature, and/or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, and/or any other Human Rights protected grounds;
- Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;
- Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;
- Unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex, or sexual orientation and/or based on religion;
- Suggestive or offensive remarks;
- Bragging about sexual prowess;
- Offensive jokes or comments of a sexual nature about an individual;
- Unwelcome language related to gender;
- Displaying of pornographic or sexist pictures or materials;
- Leering (suggestive persistent staring);
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- Sexual assault; (see also P-105 Sexual Harassment Sexual Violence Prevention)
- Any actions that create a hostile, intimidating or offensive environment. This may include physical, verbal, written, graphic, or electronic means.
- Any threats of physical violence that endangers the health and safety of the individual.

Racial/Ethnic Harassment: Any conduct or comment which causes humiliation to an individual because of their racial or ethnic background, their colour, place of birth, citizenship, or ancestry. Examples of conduct which may be racial or ethnic harassment include:

- Unwelcome remarks, jokes, or innuendos about a person's racial or ethnic origin;
- Colour, place of birth, citizenship, or ancestry;
- Displaying racist or derogatory pictures or other offensive material;
- Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment;
- Refusing to speak to or study/work with someone or treating someone differently because of their ethnic or racial background.

College members: All individuals included in the scope of this Policy. May include both students and employees.

Complainant: The person who has made a complaint about another individual(s) who they believe committed an act of violence, discrimination, or harassment against them.

Respondent: The person whom another individual has accused of committing an act of violence, discrimination, or harassment.

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Principles

- The College has zero tolerance for violence, harassment and/or discrimination in all its forms.
- The College commits to:
 - Providing a safe space where employees and students feel able to work and learn in an environment free from violence, harassment and/or discrimination.
 - Investigating all reported incidents of violence, harassment and/or discrimination to the best of the College's ability and in a manner that is fair and equitable.
 - Assisting those who have experienced violence, harassment and/or discrimination by providing choices, including detailed information and support, such as the provision of and/or referral to counselling and medical care, and appropriate academic and other accommodation.
 - Ensuring that those who disclose they have been subject to violence, harassment and/or discrimination are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation, and institutional response.
 - Ensuring that internal investigation procedures are available in the case of violence, harassment and/or discrimination, even when the individual chooses not to make a report to the police.
 - Engaging in an appropriate investigation process that ensures fairness and due process.
 - Contributing to the creation of a college atmosphere in which violence, harassment and/or discrimination is not tolerated.
- For the purposes of this policy, violence, harassment, discrimination, or bullying can occur:
 - At a College location;
 - At employee/student-related social functions;
 - At internship/placement/work-learning locations outside the College;
 - Over the telephone if the conversation is College-related; or
 - Elsewhere, if the person is there as a result of employee/student-related responsibilities or an employee/student-related relationship.

Application

- 1) Nothing in this Policy should be construed to limit freedom of expression as provided by law, provided such activities are orderly, do not disrupt College operations, and do not unreasonably interfere with the right of other members of the College to use and enjoy the College's learning and working environment and facilities (both on- and off-campus).
- 2) The College is committed to providing a safe and healthy study environment free from violence, threats of violence, discrimination, harassment, intimidation, and any other misconduct.
- 3) Weapons are strictly prohibited from the College's premises and violators will be subject to disciplinary action and the incident will be reported to the police.
- 4) Anyone knowingly making a false complaint of violence, harassment, or discrimination or to provide false information about a complaint are subject to disciplinary and/or corrective action, up to and including termination or expulsion.
- 5) All College members are personally accountable and responsible for enforcing this policy and must make every effort to prevent violence, discrimination, or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.
- 6) Records of all formal and informal resolutions, meetings, and reviews of violence, harassment, or discrimination will be securely retained by the College.
- 7) In cases where criminal proceedings are forthcoming, the College will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.
- 8) If an individual has a legal court order (*e.g.*, restraining order, or "no-contact" order) against another College member, the individual must supply a copy of that order to their Campus Director.
- 9) If it is determined that a College member has been involved in violent behaviour, unacceptable conduct, personal harassment, or discrimination, immediate disciplinary action will be taken, up to and including termination or expulsion.
- 10) The College will protect the privacy of the individuals involved and to ensure that Complainants and Respondents are treated fairly and respectfully. The College will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the College and will be proportional to the seriousness of the behaviour concerned. The College will also provide appropriate assistance to any individual who is subject to violence, harassment, or discrimination.
- 11) Counseling, performance reviews, assessments, performance coaching, and the implementation of disciplinary actions is not a form of personal harassment, and the policy does not restrict a College administrator's responsibilities in these areas.

Related Policies

P-105 Sexual Harassment & Sexual Violence Prevention

Supporting Documents/Forms

Ontario Human Right Act, 1990

New Brunswick Human Rights Act, 2011

Nova Scotia Human Rights Act, 1989

P-103p Anti-Violence, Harassment & Discrimination Procedure