

TITLE: Harassment and Discrimination Prevention Policy	Number: HR 105 - 07
	Date of Implementation: Sept. 2007

PURPOSE & INTENT:

It is the policy of Centennial College that all members of the College community have a right to a work and study environment that is free from discrimination and harassment on any of the prohibited grounds in the Ontario Human Rights Code including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status, disability, sexual orientation (and same sex partnership status) and record of offences, as these terms are defined and interpreted in and by the Ontario Human Rights Code.

Furthermore, it is the Policy of Centennial College that all members of the College community have a right to equality of treatment and opportunity in accordance with the Ontario Human Rights Code.

The College is committed to fostering a climate where human rights are respected and will not tolerate discrimination or harassment in its educational, employment or business dealings.

SCOPE & APPLICATION:

This policy addresses discrimination, harassment and sexual harassment within the College environment recognising that such conduct may be offensive, degrading, or threatening or that it can foster a hostile or unfair environment. This policy is not intended to constrain social interaction between people at Centennial College, nor does it apply to the proper exercise of supervisory responsibility (if applied in a non-discriminatory manner). In addition to addressing direct discrimination or harassment, the policy also addresses systemic or constructive discrimination.

This policy governs the behaviour of all members of the Centennial College community defined below:

- Students
- Employees
- Members of the Board of Governors
- Members of committees established by the College
- Visitors and guests on campus.

One Complaint Procedure outlines the process for dealing with complaints against an Employee. A separate Complaint Procedure outlines the process for dealing with complaints against a Student. Non Human Rights Code-related complaints by employees against students are to be made under the Code of Conduct policy and procedures.

Originating Dept. : Human Resources and Organizational Development	Date Issued: August, 2007	Approved by: Executive Team	Approval Date: August 15 th 2007	Page 1 of 4
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The College recognizes that members of the College community may be subject to harassment by others with whom the College conducts business, including Contractors (e.g. those undertaking construction, provision of service of research), visitors and members of the Board of Governors. In these circumstances, the College acknowledges its responsibility to support and assist anyone subject to such harassment, however, it falls outside of the College's Policy and Procedures.

This policy covers incidents that occur both on and off College premises which affect the College working and/or learning environment (for example, discrimination and harassment that occurs on campus, off campus, at College-related work or social functions, during work or travel on College business, over the phone or computer). In off-campus situations, there must be the potential for the discrimination or harassment to adversely impact the work/study environment or to create a poisoned environment. Incidents occurring off campus which have no likelihood of impact on the work/study environment are to be pursued through the Ontario Human Rights Commission or any other relevant legislation but will not be dealt with under this policy.

The College is responsible for the costs of administering this policy, including processing complaints, and arranging for mediation and investigation services but not for any legal costs incurred personally by the complainant or respondent.

PREVENTION:

It is the responsibility of the College to take steps to ensure an environment free of harassment and discrimination and to inform and educate members of the College community.

Each member of the Centennial College community has an obligation to create and maintain an environment that is free of harassment and discrimination and is liable for his or her own discriminatory actions. Consistent with the Ontario Human Rights Code, members of College Management have the authority to prevent or discourage harassment or discrimination and are considered responsible for failing to exercise their authority to do so. This would apply when the person knew or should have known about the harassment or discrimination and could have stopped it.

DEFINITIONS AND EXAMPLES:

Harassment -- one or a series of vexatious comments or conduct related to one or more of the prohibited grounds that is/are known or might reasonably be known to be unwelcome, offensive, intimidating, hostile or inappropriate. Examples include gestures, remarks, jokes, taunting, innuendo, verbal assault or, hazing, shunning or exclusion related to the prohibited grounds. (Note: While the definition covers a wide range of conduct, violations of the Criminal Code such as threats and/or physical assault will be handled under the Violence Prevention Policy).

Sexual Harassment -- one or a series of comments or conduct of a gender-related or sexual nature that is/are known or might reasonably be known to be unwelcome, offensive, intimidating, hostile or inappropriate. Examples include gestures, remarks, jokes, slurs, taunting, innuendo, verbal assault, unwanted physical contact, invitations, leering, the display of sexually offensive material, sexual solicitation or demands; unwanted attention, implied or express promise of reward or benefit in return for sexual favours or an implied or express threat or act of reprisal if sexual favours are not given. (Note: Criminal Code violations, such as sexual assault or stalking, will be handled under the Violence Prevention Policy)

Discrimination -- action(s) or behaviour(s) creating unfavourable, adverse or differential treatment related to the prohibited grounds. Common examples are refusal to provide goods, services or facilities, exclusion from employment or employment benefits, refusal to work with, teach, or study with someone and/or failure to provide physical access.

Systemic or Constructive Discrimination -- policies, practices, procedures, actions or inaction that appear neutral, but have an adverse impact associated with one of the prohibited grounds. An example is a hiring criterion that is not deemed bona fide and serves to exclude a particular group, or exam schedules that conflict with important religious events.

Negative or Poisoned Environment -- a series of comments or a pattern of conduct creating a negative environment (hostile, intimidating or offensive) for individuals or groups related to the prohibited grounds. The comment or conduct must be of a significant nature or degree and have the effect of "poisoning" the work or study environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. Examples include exposure to graffiti, signs, cartoons and remarks.

STATEMENT OF GENERAL PRINCIPLES:

As an important part of this policy, the complaint procedures provide an internal mechanism for receiving complaints of discrimination or harassment and setting out a process by which the College will deal with a complaint received.

Although the College's complaint procedure is written in the language of an individual complaint, group complaints may be brought under this policy. Similarly, there may be more than one respondent involved in a complaint.

Timelines:

A complaint, either formal or informal, must be filed within six (6) months of the incident except in extenuating circumstances that would explain the delay. Should a late complaint be filed, the College will assess the extenuating circumstances against any prejudice to a respondent and/or to the College to determine if the matter should proceed through the complaint process.

Procedural Fairness:

No action will be taken against a person or group without their knowledge where there is an alleged breach of the Code. It is intended that they be given reasonable notice, with full details of the alleged breach and an opportunity to answer to the allegations made.

Confidentiality:

Centennial College acknowledges that it may be difficult to come forward with a complaint of discrimination or harassment and recognises a complainant's interest in keeping the matter confidential. To protect the interests of the complainant, the respondent and any others who may be involved, the College will use its best efforts to maintain confidentiality to the extent practicable and appropriate under the circumstances. Given the very nature of these matters, the procedure to be followed and the necessity to often include individuals in the process other than the complainant and the respondent, the College cannot guarantee confidentiality.

Safety and Security Issues:

The College has the right to take action or direct procedures which diverge from sections of this policy when the safety of the individual and/or College community members is at risk.

Parallel Processes:

It is recognised that complaints may be pursued under the *Ontario Human Rights Code* directly with the Ontario Human Rights Commission or by way of a grievance procedure outlined under their collective agreement.

Protection from Reprisals, Retaliation or Threats:

It is contrary to this policy for anyone to retaliate, make reprisals or threaten to retaliate or reprise against a complainant or other individual for:

- (a) having pursued rights under this Policy or the Ontario Human Rights Code

- (b) having participated or co-operated in an investigation under this Policy or the Ontario Human Rights Code;
- (c) having been associated with someone who has pursued rights under this Policy or the Ontario Human Rights Code.

Anyone engaged in such conduct may be subject to sanctions and discipline.

Balance of Probabilities:

This represents the standard of proof that must be met in order to draw the conclusion that it is more likely than not that the allegation or fact asserted is true, based on sufficient, relative, probative and credible evidence.

Unsubstantiated Complaints:

If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed and no record of it will be placed on file.

Frivolous, vexatious or bad faith conduct:

Allegations of harassment or discrimination are serious matters. Complaints made without sufficient grounds so as to purposely annoy, embarrass or harm the respondent are considered frivolous, vexatious, or bad faith complaints and may result in sanctions against the complainant.

Right to Withdraw a Complaint:

A complainant has the right to withdraw a complaint at any stage of the process. However, the College may continue to act on the issue identified in the complaint in order to comply with its legal obligations under the Ontario Human Rights Code.