

COLLEGE OPERATIONAL POLICY

Policy Number: OHS 008	Policy Title: Respectful College Community
Supersedes Existing Policy? Y	Policy Owner: Executive Director, Human Resources Services and Organizational Development
Associated Procedure: Y	Date Last Approved by CET: January 22, 2020

1. Introduction and Purpose

The purpose of this policy is:

- To provide every College community member with a respectful learning and working environment that demonstrates acceptable interpersonal conduct and is free from bullying, discrimination and harassment;
- To provide information to ensure all College community members are aware of their rights and obligations under this policy;
- To communicate that every College community member is expected to contribute to the development of a respectful environment by behaving in acceptable ways and discouraging offensive behaviour of others. Every person has the right and responsibility to communicate concerns and cooperate in efforts to resolve concerns; and
- To establish procedures to ensure that complaints are dealt with in a fair and timely manner.

2. Application

This Policy applies to all members of the College community including all employees, governors, students, contractors, suppliers of services, individuals who are directly connected to any College initiatives, volunteers, and visitors. All college-sanctioned activities and functions are covered by this policy and extend beyond the physical boundaries of Loyalist College. Activities that take place under the auspices of Loyalist College such as placement, field trips, and social events are covered by this policy, regardless whether they take place on or off College premises.

Behaviours that constitute workplace violence are covered under the staff OH&S Policy 007 – Workplace Violence Prevention.

Sexual Violence and Sexual Harassment, as they apply to all members of the College community, are covered under Loyalist College policy SS 612 Sexual Assault and Sexualized Violence.

Incidents where both the complainant and the respondent are students will be handled by Student Success with the involvement of Risk Assessment Review Committee where deemed necessary.

3. Definitions

Discrimination: Every employee, student or person in receipt of services from the College has the right to equal treatment, without discrimination on the basis of any prohibited ground set out in the Ontario *Human Rights Code*. Discrimination includes but is not limited to, a differential act, system or behaviour which differentiates between individuals or groups, imposes a disadvantage or withholds an advantage on the basis of any protected ground.

Harassment

Harassment is defined in the *Ontario Human Rights Code* and *Occupational Health and Safety* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Harassment may or may not be related to a protected ground.

Harassing behaviour or comments have the effect of creating a humiliating, hostile, intimidating or offensive work and/or learning environment and have a negative impact on an individual's physical or psychological dignity and integrity. Psychological harassment and bullying are included in this definition of harassment.

An isolated comment or action may not necessarily constitute harassment as harassment is typically reflective of a pattern of behaviour. However, a single act or comment may be sufficiently severe enough that it does, in fact, constitute harassment in its own right.

Examples of Harassment include but are not limited to:

- Bullying
- Continuous non-supportive and disrespectful classroom behaviours including body language, physical gestures and verbal communication
- Undermining or deliberately impeding a person's ability to perform academic or employment tasks
- Spreading malicious rumours, gossip or innuendo of any sort
- Insulting language, unwelcome remarks, jokes, name calling, slurs, innuendoes or taunting based on a prohibited ground and/or that results in humiliation or degradation
- Persistent, unwarranted criticism
- Deliberate exclusion
- Intimidation and coercion
- Hurtful pranks
- Abuse of power/authority amongst or between faculty, staff and students which negatively disrupts or prevents the performance of work or learning duties, or a pattern of requests to perform duties outside the scope of job requirements such as requests for personal errands
- Physical gestures resulting in humiliation or degradation
- Unwanted touching, patting, blocking movement
- The display of offensive material either in hardcopy or electronic form which is intended to offend or humiliate an individual.
- The use of any written or verbal, in person or via-email, electronic messaging system or other electronic/internet based process, or telephone to create, post, display, transmit or distribute messages or other materials resulting in humiliation or degradation (commonly known as cyber bullying).

Harassment does not include:

- Reasonable action or conduct by an employer, supervisor, manager or faculty member to direct, delegate, guide, instruct, assess and/or manage the work or performance of employees, students or other college community members
- Differences of opinion or minor disagreements between College community members
- Behaviour and incidents that meet the definition of workplace violence (see OHS-007 Violence Prevention).

Poisoned Work or Learning Environment

An environment where comments, behaviour or the display of offensive material has a negative impact on a person's or a group's ability to conduct their work, learning or business. The negative impact can result in a person being unable to progress normally in their work / learning / legitimate business. A poisoned work or learning environment may result from a pattern of events or a serious, single remark or action.

Protected Grounds

Protected grounds mean the grounds set out in the *Ontario Human Rights Code*, including but not limited to:

- race, ancestry, ethnicity or place of origin
- citizenship
- creed/religious beliefs
- sex (including pregnancy)
- sexual orientation
- gender identity or gender expression
- age
- record of offences
- family or marital status
- receipt of public assistance
- disability (physical or psychological)

Reprisals/Retaliation: Adverse action against an individual for:

- a) invoking this Policy;
- b) participating or cooperating in an investigation under this Policy; or,
- c) associating with someone who has invoked this Policy or participated in the Policy's procedures.

Reprisals and retaliation are prohibited and will be treated as a violation of the Policy.

4. Policy Statement

Loyalist College is committed to fostering a caring culture in which every College community member may work and learn in an environment of mutual respect for the dignity and worth of each person. In such an environment, free from harassment and discrimination, each person will have the opportunity to contribute fully to Loyalist College's mission and vision and each person's contribution will be respected. We will act in accordance with our guiding values which include respect, integrity and transparency.

Loyalist College will promote education, increased awareness and prompt action as the most effective mechanisms for preventing harassment and discrimination as defined in this policy and will not tolerate or condone harassment or discrimination should it occur.

All concerns and complaints related to harassment and/or discrimination will be addressed in a manner that is timely, facilitative and fair with due regard to confidentiality.

Establishing and maintaining a respectful college community is a shared responsibility of all College community members.

The College recognizes that any accusation in a complaint is a serious matter that can cause considerable stress and grief to the person who is the subject of the complaint. Accusations must be founded in serious concerns. Anyone who makes a complaint in bad faith will be subject to disciplinary action under this Policy.

As an employer, the College has a continuing responsibility to deal with unfair treatment or harassment at the workplace when made aware of the circumstances, regardless of whether there has been a formal written complaint. Any behaviour which denies individuals their dignity and respect and/or is offensive, embarrassing and humiliating will not be tolerated.

All College Community members have the right to:

- Work and study in an environment that is free from personal harassment.
- Utilize this policy and associated procedures as a means to address any complaints related to harassment and/or discrimination.
- Be supported by members of the College Community in a sensitive manner when dealing with complaints.

The College will restrict access to all information provided in the disclosure and processes related to a report and investigation of an incident of workplace violence or harassment with a legitimate need for such access, and will provide education and training to those who are regularly involved in receiving disclosures and the administration of reports. However, confidentiality cannot be assured in circumstances where:

- The College's Violence Prevention Team process determines that risk to an individual or the College community exists
- A report has been made and the respondent must be informed of the details of the report as part of the investigation and in keeping with procedural fairness, and/or
- Reporting is required by law

5. Roles and Responsibilities

All College Community Members:

- Create a climate of respect and maintain an environment free of harassment and discrimination.
- Act in a manner that demonstrates inclusiveness and mutual respect for the dignity and worth of others
- Refrain from engaging in, condoning or ignoring behaviour inconsistent with a respectful environment
- Address concerns and complaints in a timely manner as outlined in the resolution procedures.
- Report incidents of apparent violation of this Policy to the President or Executive Director of Human Resources when necessary.
- Cooperate in the investigation and resolution of complaints pursuant to this Policy.
- Familiarize themselves with this policy and associated procedures

Managers (includes other members who are responsible for directing the work of others, including the work of students)

- Must act immediately on observations or allegations of harassment and/or discrimination.
- Demonstrate the leadership necessary to prevent harassment and discrimination and address observations or allegations of harassment and/or discrimination.
- Model appropriate behaviour
- Be fully informed about the *Human Rights Code*, the *Occupational Health and Safety Act*, the College's Policy and related procedures ensuring that all employees, students and other College community members are aware of the Policy, and understand their shared rights and responsibilities
- Take immediate action in the event of a real or potential threat to personal safety. This involves applying the procedures outlined in OHS-007 (Workplace Violence Prevention).

Faculty:

- Model appropriate behaviour

- Maintain a learning environment that is safe and conducive to learning
- Review behaviour expectations, as described in the course outline template, with each class at the beginning of each semester. Note that behaviour expectations are also summarized in the [“Student Code of Conduct – Positive Learning & Living Environment”](#).
- Address problem behaviours promptly and directly, always reinforcing the College’s accepted standards of behaviour.
- Allow the opportunity for education within the classroom as necessary to enhance awareness related to personal harassment
- Assist students in seeking assistance when they identify concerns or incidents of personal harassment

Executive Director, Human Resources Services or designate:

- Receive and respond to reports of behaviours involving staff that are contrary to this policy. This includes allegations of discriminatory, bullying or harassing behaviours; allegations of reprisal or retaliation; and vexations or bad-faith complaints.
- Recommend appropriate corrective or disciplinary action to be taken by the College.
- Ensure guidelines and actions taken under the policy serve to strengthen the College’s commitment to recruiting and retaining highly qualified and diverse faculty and staff.
- Manage the costs associated with administering Respectful College Community Policy and resolution procedures, including the cost of mediators and investigators.
- Provide reports to CET summarizing the frequency and types of complaints under this policy. Information provided will take into account the need to ensure confidentiality where appropriate.

Occupational Health & Safety Co-ordinator and Human Resources Services:

- Administer the Respectful College Community Policy and provide College community members with information and guidance required about the policy and resolution procedures to make informed choices.
- Facilitate the annual review of this policy to ensure its effectiveness and compliance with legislation.
- Post the Respectful College Community Policy Statement in conspicuous locations around the College.
- Facilitate education programs and other strategies to promote awareness of the issues of personal harassment.

6. Policy Maintenance

- At least annually, the Violence Prevention Employee Team and Joint Health & Safety Committee will review, assess and update this policy as needed.
- The Workplace Violence Policy Statement and subsequent revisions will be reviewed and approved by the College Executive Team annually, signed by the President, and posted in conspicuous locations around the College.

7. Related Documents or Links

- OHS-008 Appendix (A) – Statement and Request for Action
- OHS-008 Appendix (B) – Formal Complaint Form
- OHS-008 Appendix (C) – Respectful College Community Policy Statement

College Policies

- Policy OHS-007 – Workplace Violence Prevention Policy and Procedure
- Student Manual and Guide - Rights & Responsibilities
- AOP209 – Student Code of Conduct: Positive Learning & Living Environment

- SS612 – Sexual Assault and Sexualized Violence Policy

8. References

- Occupational Health & Safety Act, Violence & Harassment, sections 32.0.1 – 32.0.8
- Workplace Violence & Harassment: Understanding the Law. Ontario Ministry of Labour, 2016.
<https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment>
- Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code
- Accessibility for Ontarians with Disabilities Act (AODA)