

Policy Title:	RESPECTFUL WORK AND EDUCATIONAL PLACE POLICY	Area of Responsibility: VICE PRESIDENT, HUMAN RESOURCES, SAFETY & FACILITIES MANAGEMENT
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5.15 Respectful Work and Educational Place Policy

5.15.1 Introduction/Purpose/Scope

St. Clair 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 which all individuals are treated with respect and dignity. We value each member of our community for her or his 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 St. Clair College. We strive to maintain a climate of mutual respect.

This Policy informs every one of the standards for a respectful work/learning place that we strive for. Furthermore, it outlines inappropriate behaviours and commits the College to actively prevent such situations from occurring.

St. Clair College recognizes that conflicts, disagreements and inappropriate behaviours may occur from time to time. It is our goal through this policy and other efforts, to establish and maintain a problem solving approach to resolving conflict between members of our community. Whenever a conflict arises, our first approach is to use constructive strategies for conflict resolution. All College employees are expected to seek appropriate assistance from their manager at the earliest sign of an uncomfortable situation (i.e., abusive behaviour). This will include dialoguing and working with campus organizations including our unions to help prevent and, where necessary, resolve allegations of harassment, discrimination or other forms of inappropriate conduct.

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.

Everyone at St. Clair College is expected to practice basic principles of mutual respect by:

- Behaving in ways that show respect toward others
- Valuing each other's work and roles
- Developing relationships built on trust
- Promoting a climate that is fair, supportive, and responsive
- Creating a welcoming environment through our words, actions, and physical surroundings
- Encouraging open and honest communication
- Celebrating our differences

5.15.2 THE STRUCTURE OF THE RESPECTFUL WORKPLACE POLICY

5.15.2.1 Organization of the Policy

This document provides policies and procedures for addressing issues of respect for individuals at St. Clair College. Most of the procedures provided by this document are common to both **Section A, The Human Rights Policy**, which covers those situations dealt with under the Ontario Human Rights Code and **Section B, The Workplace Harassment Policy** which addresses non-Code related misconduct such as personal harassment and bullying which are contrary to our values and prohibited pursuant to this policy.

5.15.2.2 College Responsibility — The Code

The college recognizes its responsibility, in accordance with The Ontario Human Rights Code and the Occupational Health and Safety Act, to ensure that every person in its community is protected from unlawful discrimination and workplace harassment. The College is committed to deal quickly, fairly and effectively with harassment and discrimination should it take place.

5.15.2.3 Policy Application — Where?

The College will not tolerate harassment or discrimination in its employment, educational or business dealings, whether these actions take place on its premises or during college activities off campus. For those incidents taking place off campus, there must be potential for an adverse impact on work or study performance or the creation of a negative environment. For example, such activities as a field trip, a social event or a meeting taking place under the auspices of the College and held off the campus are covered by this policy.

5.15.2.4 Policy Application — Who?

The policy applies to all employees and students, Board of Governors members, members of committees, societies or associations established or recognized by the College, contractors (such as those undertaking construction), provision of service or research, visitors or guests and applicants for admission or employment.

5.15.2.5 Shared Responsibility

All members of the College community share responsibility for creating and maintaining a working and learning environment free from discrimination and harassment.

5.15.2.6 Management Responsibility

A person (such as a manager or supervisor*) who has the authority to prevent or discourage harassment and discrimination may be held responsible for failing to do so. All managers and supervisors therefore have a particular duty to act to deal with such incidents when they ought reasonably to know that there is an issue to address. This duty includes the obligation to be familiar with and uphold this policy and its procedures.

* In the case of academic institutions, faculty and technologists are in a position of authority and are considered to have the same responsibility to prevent or discourage harassment and discrimination.

5.15.2.7 Properly Discharged Supervision

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Performance appraisals, counselling, discipline and the proper enforcement of high standards, provided that such standards are not arbitrary and are applied in a non-discriminatory manner, are not contrary to this Policy.

5.15.2.8 Fairness for All

The College recognizes its obligation to ensure that this policy and the procedures are fair and applied fairly. Complainants should feel free to bring their complaints forward and those against whom allegations are made should have a full and fair opportunity to meet those allegations.

5.15.2.9 Sanction/Redress

a) To the extent possible, where a formal complaint is substantiated, The College's objective is to restore complainants to the position they would have been in had the inappropriate behaviour not occurred and to have respondents recognize the inappropriateness of, and need to change their behaviour. A substantiated act of discrimination or harassment may be cause for disciplinary action by the College up to and including the possibility of discharge in the case of an employee and other appropriate actions for other groups covered by the Policy.

b) Sanctions imposed will be applied with an understanding of the seriousness of the misconduct and follow the general principles of corrective discipline. In the case of a representative of an organization with a contractual relationship with the College, the action taken may include suspension or termination of that relationship.

5.15.2.10 Trivial, Frivolous, Vexation or Made in Bad Faith Complaints

Complaints which are trivial, frivolous, vexatious or made in bad faith shall result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the complaint.

5.15.2.11 Right to Go Elsewhere

This policy and the Student Code of Rights and Responsibilities each provide an opportunity to deal with harassment and discrimination issues quickly and fairly. All members of the college community are encouraged to follow these policies and procedures. At the same time nothing in the policy is intended to prevent a complainant from using an alternate procedure, such as a collective agreement, academic grade appeal, the Human Rights Code or legal action.

5.15.2.12 Preventing Harassment and Discrimination — Education

While this policy provides a resolution-oriented process for receiving and investigating complaints, its primary purpose is to prevent harassment and discrimination taking place at St. Clair College. To this end, the College is committed to ensure that each member of the College community is made aware of the policy through an ongoing programme of information dissemination and training.

5.15.2.13 Protection from Reprisal

In order to protect individuals who make use of this policy or participate in proceedings as part of the complaint procedure, the College prohibits reprisal or threat of reprisal against these individuals. Any person who is found to have acted in, or threatened reprisal shall be penalized.

5.15.2.14 Special Initiatives

The College may, from time-to-time, implement a special initiative designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity.

The protections from discrimination and harassment defined in this policy are not infringed if such an initiative is implemented.

5.15.2.15 Employee Assistance Program

The College recognizes that employees are their most valuable resource and support the confidential access of support services. The Employee Assistance Program is a voluntary, confidential, short-term counselling, advisory and information service for staff and their eligible family members. The service is available 24 hours/day, 365 days/year.

Family Services Employee Assistance Program (FSEAP) 1.844.720.1212

SECTION A –HUMAN RIGHTS

5.15.A HUMAN RIGHTS

5.15.A.1 St. Clair College recognizes its responsibility to ensure that every person in its community is protected from **unlawful discrimination and harassment in accordance with *The Ontario Human Rights Code***.

Any action or failure to act that result in harassment or discrimination on any of the grounds enumerated under *The Code* will not be tolerated by the College.

5.15.A.2 Prohibited Grounds

Every person has a right to freedom from discrimination in the areas of:

- services, goods and facilities
- the occupancy of accommodation
- contracts
- employment
- membership in vocational associations and trade unions

On the grounds of:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed
- sex
- sexual orientation
- disability
- age (16 years and over in accommodation; 18 years and over in the other areas)
- marital status (includes cohabitation, widowhood, separation)
- family status (parent-child relationship)
- the receipt of public assistance (in accommodation only)
- record of offences (provincial offences, pardoned federal offences – in employment only)

5.15.A.3 Discrimination Defined

Any action or behaviour, which negatively affects the status of any member of the College community that is based on a prohibited ground, as identified above.

5.15.A.4 Harassment Defined

Engaging in a course of vexatious comment or conduct directed toward an individual or group of individuals that is known or ought reasonably be known to be unwelcome or unwanted. For the purpose of Section A of this policy, harassment must include comment or conduct **linked to the prohibited grounds** which causes humiliation, offence or embarrassment. **Single acts of sufficient severity may constitute harassment.**

Understanding Harassment

- Harassment is a form of discrimination. It is prohibited by the Ontario Human Rights Code. It is against the law.
- Harassment is concerned with the impact of behaviour, not the intent.
- Harassment is offensive, degrading and threatening. In its most extreme forms (sexual touching, for example), harassment can be an offence under Canada's Criminal Code.
- Harassment includes behaviours that may at one time have been tolerated, ignored, or considered horseplay or innocent flirtation.
- **There are times when a person causing the harassment is unaware of the impact of his or her behaviour. If you are able to make that person aware of your discomfort, he or she may cease acting in that manner.**

Examples of behaviour that may be considered harassment include:

- Unwelcome jokes, comments, teasing, insults, and taunting,
- Unwelcome physical contact such as touching, pinching, and patting,
- Leering or other offensive gestures,
- Displaying offensive pictures,
- Sending offensive e-mail and telephone messages,
- Practical jokes that cause awkwardness or embarrassment,
- Condescension or paternalism that undermines self-respect.

5.15.A.5 Sexual Harassment Defined

One or a series of comments or conduct of a gender-related or sexual nature that is known or ought reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate.

Members of the St. Clair College community have the right to be free from sexual harassment in any form, and specifically from:

1. sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome,
2. reprisal or 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 grant, confer, or deny a benefit or advancement.
3. requests or demands for sexual favours which include, or strongly imply, promises of rewards for complying (e.g. job advancement opportunities, improved academic grades) and/or threats of punishment for refusal (e.g. denial of job advancement or opportunities, diminished academic grades.)

5.15.A.6 Systemic Discrimination

Policies, practices, procedures, actions or inactions that appear neutral but have an adverse impact associated with one of the prohibited grounds may constitute discrimination.

5.15.A.7 Negative or Poisoned Environment

Any action or behaviour such as insults, jokes or posting/displaying of offensive material, including by electronic means, relating to one of the prohibited grounds, though not necessarily directed at anyone in particular, that has the effect of creating or maintaining an offensive or intimidating climate to work or learn is prohibited under this policy.

SECTION B – WORKPLACE HARASSMENT (OCCUPATIONAL HEALTH AND SAFETY ACT OF ONTARIO)

5.15.B WORKPLACE HARASSMENT POLICY

5.15.B.1 The College recognizes that personal harassment and bullying are harmful and destructive behaviours in the workplace. The College believes that all members of our community should be protected from such behaviour through a process of prevention and appropriate responses.

Any action or failure to act that result in workplace harassment will not be tolerated by St. Clair College.

5.15.B.2 While this policy suggests a variety of methods for resolving interpersonal conflict in our community, its purpose is not to diminish the fundamental responsibility of those covered by the Policy to attempt to resolve these problems by communicating with the other person involved and/or a supervisor. Most often situations of disrespectful behaviour can be resolved by communicating directly in an open and respectful manner to the other person.

In most situations in the workplace involving personal harassment, managers and supervisors are expected to take responsible and appropriate action. Where the behaviour is judged to be excessive, or there are difficulties resolving the issue at this stage, the manager or supervisor should contact the Coordinator to discuss the situation and to determine the appropriate steps to take. In certain situations of excessive behaviour, the steps outlined in the Procedures, below, including the filing of a formal complaint may be followed to address the problem.

DEFINITIONS

5.15.B.3 Workplace harassment is defined as:

- a) Engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome.
- b) Workplace sexual harassment.

5.15.B.4 Sexual Harassment is defined as:

- 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 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.

Forms of workplace harassment include such behaviours as:

- a. Ongoing use of excessive profanity (swearing) or vulgarity.
- b. Ongoing ridiculing, taunting, belittling or humiliating another person.
- c. Assignments of work or benefits that result in belittling or humiliation.
- d. Ongoing derogatory name-calling.
- e. Purposeful exclusion from group activities.
- f. Continually soliciting a date from a fellow worker when the worker has already declined.
- g. Engaging in crude sexual jokes or gestures in the presence of other workers.
- h. Posting sexually suggestive material in lockers, office or work location.

Some examples of what might be considered workplace harassment include:

- a. Repeated negative attacks on an employee's personal or professional performance.
- b. Excessive criticism in the presence of others.
- c. Withholding information with the impact of affecting an employee's ability to do their job.
- d. Spreading malicious rumours or making malicious allegations on a repeated basis.

5.15.B.5 Legitimate and constructive criticism of an employee's performance or behaviour at work is not workplace harassment. An occasional raised voice or argument is also not considered workplace harassment. (Personal) workplace harassment will not be condoned under the guise of strong management, when employees are not treated with dignity and respect.

5.15.3 The Complaint Procedure – General Guidelines

All information, including identifying information gathered under this policy will remain confidential unless required for the investigation or any action taken as a result of the complaint or where required by law (OHSA 1990 32.06).

It is expected that all members of the College community will actively support the principles of the Human Rights Code and this policy. However, the Complaint procedure provided below is intended for use by College employees. A student having a complaint of discriminatory or harassing behaviour by a fellow student, faculty member or other College employee or agent should follow the procedure set out at Article 7.1.5.4 of the Code of Student Rights and Responsibilities.

5.15.3.1 Formal Mediation

If the informal approaches to resolving a conflict of this type are not successful or not feasible, formal mediation may be considered. Either party may request that mediation be instituted to assist the resolution of the complaint at any point in the process. If the other party is agreeable, and if mediation is assessed by the College Resolution and Fairness Officer as a viable step to help resolve the conflict, the College will arrange for an independent mediator to conduct the mediation.

5.15.3.2 Six month time limitation

All complaints must be initiated within six months of the incident occurring. In extenuating circumstances a complaint filed beyond the six month limitation may be considered at the sole discretion of the College.

5.15.3.3 Confirmation of resolution

The resolution of all complaints, where the Coordinator has had a role in the process, will be noted by the College through written correspondence to both parties, including any corrective action that has been taken or that will be taken as a result of the investigation. A copy of this correspondence will be retained in confidence by the Coordinator except in the case of a disciplinary decision. In that instance, a copy of the correspondence relating to the decision shall be placed in the respondent's personnel or student file.

When either a formal or informal complaint is resolved between the parties rather than a final decision through the formal investigation process, the College considers that the matter neither has been withdrawn by the complainant nor has there been a finding against the respondent. This allows the complaint process to be reinstated if there is a recurrence of the behaviour as well as prevents the settlement being interpreted as meaning that the respondent has harassed or discriminated.

5.15.3.4 Grievance Procedures

While unionized employees may have a procedure available to them under the collective agreement to bring a grievance forward in certain cases of harassment and/or discrimination, they are encouraged to use this Policy prior to using the grievance procedures. This Policy recognizes the commitment of both management and the union to work cooperatively to address these issues.

5.15.3.5 Alternate Procedures

If a complainant using this policy chooses to use an alternate procedure, such as the Ontario Human Rights Code (for Section A issues), or a grievance under the Collective Agreement, the College may decide to either terminate or suspend this procedure.

5.15.3.6 Complainant Withdrawal

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

5.15.3.7 Personal Advocates or Advisors

Any person involved in the complaint resolution process at any stage, may seek assistance, be represented and be accompanied by another person of his/her choice during all proceedings. When a personal advisor will attend or represent a party to a complaint, that party must advise a policy official in advance of the advisor taking that role. *Employees are often assisted by a union representative.*

Safety: When the college determines that the **safety** of an individual or the community is at risk it will act to the best of its ability to address this situation. This may mean, for the purposes of safety, the procedures outlined in this policy, including confidentiality, will be set aside.

5.15.3.8 Time Frames

Any of the time frames for the steps outlined below may be extended either upon the initiative of the Coordinator or upon mutual agreement of the parties and approval of the Coordinator.

5.15.3.9 Responsibilities for the Policy Process

1. The College appoints the College Fairness and Resolution Officer to facilitate the administration of the policy process including gathering statistics on the use of this policy.
2. The first contact for all inquiries, assistance or filing of complaints under this policy is anyone in the position of administrator of a department. Chairs and Managers will usually act as first stage advisors. If the complaint is alleged against the individual's Manager, the complainant may use the College Fairness and Resolution Officer as first stage advisor, or another Administrator. If the complaint is alleged against the College Fairness and Resolution Officer, the individual may use the Executive Director, Human Resources as a first stage advisor.
3. If the complaint is alleged against the President of the College, the individual may use the Chair of the Board of Governors as the first stage advisor.
4. When required, mediators will be appointed by the College. In most cases these individuals will be drawn from outside the St. Clair College community. Upon the parties in a complaint agreeing to mediation, the mediator will organize and facilitate a process to assist in the resolution of the issues in the complaint.

5. The investigation function, undertaken during the formal complaint process, will be carried out by an independent investigator appointed by the College. In most cases this individual will come from outside of St. Clair College.
6. The final decision regarding a finding of discrimination or harassment or of jurisdiction will be made by the President of St. Clair College. In the case of an allegation against the President, the Chair of the Board of Governors will make the final decision.

5.15.4 Stages of the Complaint Process

The focus of these procedures is to assist people involved in a situation they believe is harassment or discrimination to find a resolution to the conflict.

We believe that the procedures in this policy will help empower a person who feels that he or she is being harassed or discriminated against, to tell the person that the behaviour is unwelcome and must stop. Where the direct approach does not work or where someone is unsure about how to proceed, we have identified First Stage Advisors and College Fairness and Resolution Officer to assist in the resolution process. In those few situations where the situation is not resolved, the college will undertake a formal complaint process leading to an investigation and the possibility of sanctions being imposed. It is important to recognize that a resolution agreed to by the parties is the preferable solution.

The following steps suggest an orderly way to approach the resolution of a human rights problem. Depending upon your situation, you may decide that it is not possible to utilize the informal (Stage One) part of this procedure. At that point you may decide to proceed directly to Stage Two, formal complaint.

5.15.4.1 Stage 1 – Informal

5.15.4.1.1 Complainant Responsibility

Recognizing that it is in the best interests of all parties to resolve complaints, a person who has a complaint under this policy should, when possible, as the initial step towards its resolution, discuss the complaint with the person whose action gave rise to the complaint. If the complainant feels unable to do so, they should see a First Stage Advisor.

5.15.4.2 Stage 1 - First Stage Advisors

5.15.4.2.1 Role, Actions

It is expected that, similar to human resources issues, the first contact for inquiries or assistance under this policy is anyone in the position of supervisor, chair, director or manager. In this role, administrators must be prepared to assist the person with the problem by providing advice and problem solving assistance. This requires the administrator to be knowledgeable about this policy and the process used to resolve issues that arise under it.

Some of the actions that might be considered by a manager are: giving advice to the complainant about what action they might take, meeting with both parties to discuss the problem, meeting with the respondent party to discuss how the matter might be resolved, any other approach, agreeable to the complainant, that could assist in the resolution of the issues in dispute.

At the very least academic and administrative managers should be able to recognize a potential problem and know where to get assistance in the college.

First Stage Advisors must maintain comprehensive notes of their interactions with anyone involved in the policy process. These notes should include any information gathered as well as actions being taken. These notes may be used if the informal resolution process fails and the complainant wishes to proceed to a formal written complaint.

Where the complainant does not want or is unable to bring the matter directly to the attention of the respondent or where such an approach is attempted and does not produce a satisfactory result, the complainant should contact a First Stage Advisor (an Administrator).

5.15.4.2.2 Information for Complainant

While the primary role of the first stage advisor is to assist in the resolution of human rights and/or workplace harassment conflicts, it is important that the complainant receive the following information regarding the policy and procedure including:

- the right to file a formal written complaint
- the availability of counselling at the college
- that if the complainant believes that his or her safety is at risk or threatened by the respondent, that this should be noted and the police should be contacted
- the right to have an adviser or representative
- the right to withdraw from any further action at any point
- the right to use other avenues of recourse, including the grievance process
- that there is a six month time limit to file a complaint under this policy
- the options available to address a complaint, including alternative dispute resolution
- the penalties and redress that are available under this policy, including the possibility of penalties against a complainant if the complaint is found to be trivial, without merit, frivolous, vexatious or made in bad faith
- the confidentiality of the process

5.15.4.2.3 Information from Complainant

The complainant is asked to provide the First Stage Advisor with the following information:

- the name and department of the respondent
- the nature of the complaint
- the time and date of the complaint
- the names of any witnesses to the event(s) of the complaint
- the section of the policy that the complainant feels has been contravened by the respondent
- the solution needed to resolve the complaint

5.15.4.2.4 Policy Jurisdiction Decision

The First Stage Advisor will provide advice to the complainant regarding whether it seems, on the face of the information provided, that the complaint falls within the jurisdiction of the policy. In the case that the Advisor advises that the complaint does not seem to fall under the policy, the complainant may still proceed to the formal complaint stage.

5.15.4.2.5 Alternate Resolution

The First Stage Advisor will also provide advice to the complainant whether, on the basis of the information provided, an alternative dispute resolution mechanism is in order. If the complainant is agreeable, and the respondent is also willing to take part, such a mechanism will be put in place. In a situation where formal mediation is required, the First Stage Advisor will consult with the College Fairness and Resolution Officer to arrange the appointment of the mediator.

5.15.4.3 Stage 2 - Formal Written Complaint/Investigation

5.15.4.3.1 Formal Written Complaint

Failing resolution of the complaint during interaction with the First Stage Advisor, the complainant may submit a formal complaint in writing. The formal complaint must be submitted to the College Fairness and Resolution Officer on the policy complaint form.

5.15.4.3.2 Receipt of Formal Complaint

On receiving a written complaint, the College Fairness and Resolution Officer shall, within five calendar days of receipt:

(a) acknowledge receipt of the complaint in writing, informing the complainant whether, on a matter of jurisdiction, the complaint will be pursued under this policy, and, if not, the reasons for not pursuing the complaint (or indicating a more appropriate channel — *for example, pursuing the complaint under the Code of Student Rights and Responsibilities*);

(b)(i) If it has been determined that the complaint will be pursued under this policy, inform the respondent in writing of the complaint, providing a copy of the complaint and giving the respondent an opportunity to respond to the allegations within ten calendar days. The College Fairness and Resolution Officer must provide the respondent with a copy of this policy as well as inform the respondent of his/her rights and responsibilities under the policy, including the right to have a representative and the importance of confidentiality.

or

(b)(ii) In the event that it is determined that the complaint will not be pursued because it does not fall under the jurisdiction of this policy, the College Fairness and Resolution Officer will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy. The information provided will include a copy of the complaint, the reasons for not pursuing it and a statement that no response to the complaint is required.

5.15.4.3.3 Response to Complainant

If the complaint is not dismissed, upon receipt of the respondent response to the complaint, the College Fairness and Resolution Officer shall disclose such information back to the complainant within five calendar days of its receipt.

5.15.4.3.4 Meetings with Parties

Within ten days of the complainant receiving the response of the respondent, the College Fairness and Resolution Officer shall meet separately with the complainant and the respondent to clarify the details of their submissions and to identify the steps that have been taken to attempt to resolve the matter. If appropriate, the College Fairness and Resolution Officer may ask a First Stage Advisor to assist in the resolution of the complaint at this point.

5.15.4.3.5 Independent Investigation

If, after the clarification of the submissions from the parties, the matter has not been resolved, the College Fairness and Resolution Officer shall facilitate the appointment of an independent Investigator by the college. The investigation shall commence within ten days of this appointment.

The Investigator may:

1. interview the complainant and the respondent,
2. interview witnesses suggested by the two parties,
3. interview other witnesses who may provide useful information for the investigation,
4. gather evidence using legally permissible means,
5. submit, within thirty calendar days from the beginning of the investigation, a written report of the findings of the investigation to the College Fairness and Resolution Officer.

5.15.4.4 Stage 3 - Investigation Report/Decision Making Meeting

5.15.4.4.1 Upon Receipt of Investigative Report

The College Fairness and Resolution Officer shall send copies of the final investigation report to the parties within seven (7) calendar days of receiving it from the Investigator.

1. If the investigation report concludes that the complaint does not fall within the jurisdiction of this policy, the complaint will be dismissed by the college. The parties will be informed of the dismissal at this time.

This decision may be appealed, in writing, within ten calendar days, to the President or designate. If an appeal is submitted by the complainant, the respondent will be sent a copy of the submission and be given the opportunity to respond. The President or designate will review the investigation report and any submissions and make a final decision. If a decision is made in favour of upholding the complaint dismissal, this decision is not appealable within the College. If the decision is to allow the complaint to proceed further, the process shall then continue as set out below. Provided, however, the President or designate may refer the matter back for further investigation of the complaint where, in his or her discretion such further investigation is required.

2. For any other findings of the investigative report, the parties will be requested to submit any comments regarding that report. These submissions must be received by the College Fairness and Resolution Officer within ten calendar days. All submissions received will then be disclosed to the parties to the complaint.

At the same time, the President of St. Clair College will be informed that a mutually acceptable solution to the complaint has not been found by any of the other processes outlined in this policy.

5.15.4.4.2 Decision-Making Meeting Set

Within ten calendar days of being informed of the outstanding complaint, the President or designate will advise the parties of a date for a decision making meeting to take place within fifteen calendar days. That meeting will be presided over by the President or designate. A final decision on the complaint will be made as a result of that meeting.

5.15.4.4.3 President's Decision-Making Meeting

At the President's decision-making meeting, the parties will be given the opportunity to state their positions. No new evidence may be presented at the meeting. Only information relating to the investigative reports and the various submissions that may inform the meeting of the events in question may be presented. The President may ask for submissions from anyone she/he feels may provide helpful information at that time or ask questions of any of the participants at the meeting. Cross-examination is not permitted at the meeting.

5.15.4.4.4 Written Decision

The President or designate, within ten calendar days after the completion of the meeting, will provide a written decision with reasons to the parties. This policy's process does not permit appeal.

5.15.4.4.5 Informing all Parties

All parties (the Respondent and the Complainant) will be informed by the College Fairness and Resolution Officer or the Chair of the Board of Governors (in the case of the President) of the final results of the investigation and the action taken or that will be taken to address the results of the investigation.

5.15.5 Policy Administration

5.15.5.1 Costs

St. Clair College shall be responsible for the costs of the administration of this policy including the costs of any mediation or investigation services. All parties retaining legal or any other assistance shall be solely responsible for the cost incurred.

5.15.5.2 Confidentiality of Files

Subject to the provisions of the Freedom of Information and Protection of Privacy Act, records pertaining to the complaint will be held in strict confidence in files separate from any academic or personnel information. Only records of reprimand or discipline will be placed in an individual's personnel file.

All materials collected in the course of the administration of this policy will be maintained by the Policy Co-ordinator in a secured file separate from all other College files. Except in extraordinary circumstances, these files are to only be accessible in the course of the administration of this policy.

5.15.5.3 Policy Review

This policy shall be reviewed at least every three years. In the case of a significant revision of the Ontario Human Rights Code or other relevant legislation, or as a result of finding that a procedure contained in the policy is either contrary to legal practices or inoperable, the policy may be reviewed and revised when appropriate.

5.15.5.4 Training for the Implementation of the Policy

The roles of the First Stage Advisors and the College Fairness and Resolution Officer are vital to the successful implementation of the Human Rights Policy.

The College will arrange for the Advisors and the Coordinator to receive appropriate initial and continuing training, as well as support and assistance for carrying out their responsibilities under this policy.

Complaints of harassment or discrimination, by their very nature, frequently concern matters about which people will be sensitive, uncomfortable, and embarrassed. An Advisor must be sensitive to the types of complaints which violate the Policy, as well as the effects of such allegations on the complainant and the person being complained about.

Under this policy, all Chairs and Managers will act as First Stage Advisors. This will allow for the fact that some complainants may feel uneasy about approaching a particular Advisor. It also recognizes the fact that Advisors themselves are not immune from complaints. Finally, it makes it clear that the college expects all Chairs and Managers to take a leading role in addressing issues of discrimination and harassment at the college.

5.15.5.5 Collection of Data/Annual Report

First Stage Advisors must provide the College Fairness and Resolution Officer with detailed information on their activities in this role. Dependent upon the type of contact made, information to be forwarded includes:

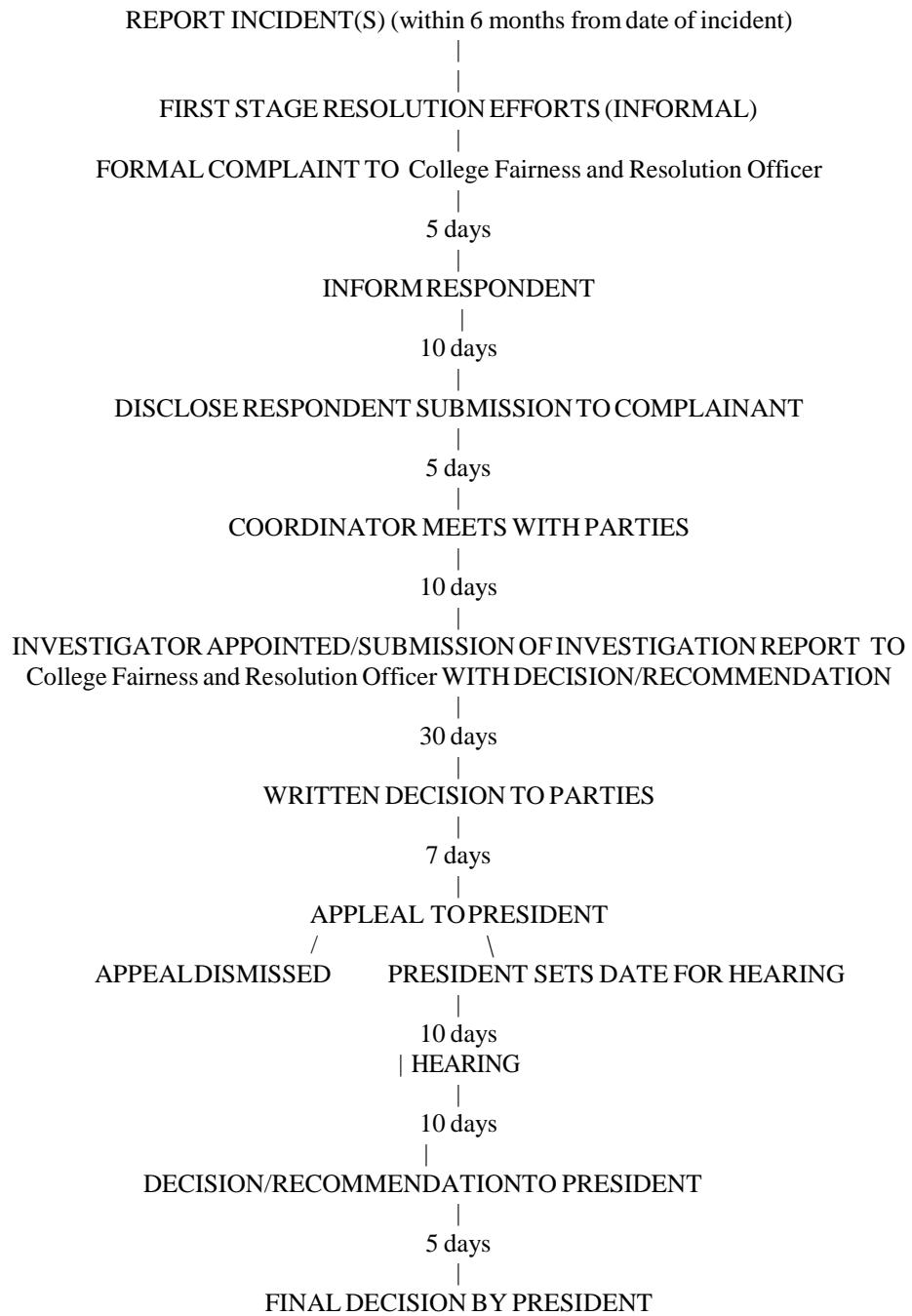
- Date of inquiry, number of meetings on the issue, section of policy (issue) dealt with, position and sex of individual making inquiry, position and sex of respondent, resolution of inquiry (actions taken).

The College Fairness and Resolution Officer will gather information collected from First Stage Advisors and from investigative and mediation procedures and prepare an annual report for the President regarding the effectiveness of the policy.

5.15.6 Policy Review

This policy shall be reviewed by the JHSC at least annually to ensure it adequately implements the policy with respect to workplace harassment.

COMPLAINT PROCESS



COMPLAINT FORM

PAGE ONE (INFORMATION DISCLOSED TO RESPONDENT)

Complainant's Name: _____

Position: _____

Respondent's Name: _____

Address: _____

Telephone (business): _____ **(residence):** _____

Position: _____

Department/Location:

Section of the Policy that this complaint is being filed under:

In your own words please indicate the details of your complaint under the Respectful Work and Educational Place Policy: *If you would like to provide a more detailed description, please attach to this form.* Provide copies of any documentation which may be relevant to the issues of this complaint. List the documents provided.

Please describe any actions that you have taken to try to resolve this matter.

Signature of complainant:

Date:

This document and any attachments to it that you provide in the course of filing a complaint will be held in confidence by St. Clair College. Page one of this complaint form and its attachments will be disclosed to the respondent named in the complaint and to the investigator, adjudicators and mediators appointed to assist with the resolution of this complaint, as outlined in the policy procedures. **Subject to the proviso noted below, privileged information, such as the complainant's requirements to resolve the complaint and list of witnesses, provided on page two of this complaint form will not be disclosed to the respondent without your further consent. Your signature confirms that you have been made aware of and give permission for the above use of this information.**

Information gathered under this policy may be required to be disclosed under the Ontario Human Rights Code or other legal proceedings.

COMPLAINT FORM

PAGE 2 (NON-DISCLOSED INFORMATION)

Complainant Information:

Name: _____

Address: _____

Telephone: (business) _____ (residence) _____

Email: _____

Department & location: _____

Name of Respondent:

What do you require to resolve this complaint?

Witnesses to the events of this complaint:

Please identify, in order of importance, anyone that you feel would provide helpful information to assist the investigation of this complaint

Name: _____ Telephone: _____

Name: _____ Telephone: _____

Name: _____ Telephone: _____

Name: _____ Telephone: _____

Signature of complainant:

Date:

Complaint received by: _____ Date: _____

PLEASE DATE STAMP UPON RECEIPT

RESPONDENT'S RESPONSE FORM

PAGE ONE – INFORMATION NOT DISCLOSED TO THE COMPLAINANT

Name:	
Address: Street:	
Province/Postal Code:	Email:
Telephone: (business)	Telephone: (residence)
Position held/ work location:	
Witnesses to the events of this complaint: Please identify, in order of importance, anyone that you feel would provide helpful information to assist the investigation of this complaint	
Name: _____ Telephone: _____	
Name: _____ Telephone: _____	
Name: _____ Telephone: _____	
Name: _____ Telephone: _____	
Signature _____	Date:
	Date:
	PLEASE DATE STAMP UPON RECEIPT

RESPONDENT'S RESPONSE FORM

PAGE TWO – INFORMATION DISCLOSED TO COMPLAINANT

Respondent's Name: _____

Position/location:

RESPONSE TO ALLEGATIONS

With reference to the enclosed complaint, provide a detailed response to the allegations. In responding please refer and respond to each allegation separately. The information that you provide should be as specific as possible with respect to dates, times, places, documents and persons involved.

(You may attach additional pages if there is not enough room on this form.)

Please describe any actions that you have taken to try to resolve this matter:

Provide copies of any documentation which may be relevant to the issues of this case as referred to in the complaint or in your response. Please list the documents provided with comments where applicable.

This document and any attachments to it that you provide in the course of responding to this complaint will be held in confidence by St. Clair College. Page 2 of this form and its attachments will be disclosed to the complainant and to the investigator; adjudicators and mediators appointed to assist with the resolution of this complain as outlined in the policy procedures. **Subject to the proviso noted below, privileged information, such as the list of *witnesses*, provided on page 1 of this form will not be disclosed to the complainant without your further consent. Your signature confirms that you have been made aware of and give permission for the above use of this information.**

Signature: _____ **Date:** _____

Information gathered under this policy may be required to be disclosed under the Ontario Human Rights Code or other legal proceedings.

COMPLAINT PROCESS