

**OLDS COLLEGE
POLICIES AND PROCEDURES MANUAL**

CATEGORY: **A. General**

SUBJECT: **Harassment Policy**

POLICY NUMBER: **A6**

APPROVALS: New/Revision

Board of Governors	Academic Council	Academic Coordinating Committee	Human Resources, Finance & Facilities	Executive Committee
(Policy Approval)				(Authority)
Date: 26/09/02	Date:	Date:	Date: 16/09/02	Date:

POLICY STATEMENT

The Board of Governors of Olds College is committed to providing a learning and working environment in which every individual has the right to be treated with dignity, respect and equality.

Harassment undermines these values and may also constitute discrimination prohibited by human rights legislation. Harassment has the effect or potential effect of denying individual dignity and respect, detrimentally affecting work and learning environments and interfering with or disadvantaging members of the College community in their participation in employment, education or other College-related activities.

Acts of harassment by or against members of the College community are considered serious offences. They are strictly prohibited and will not be tolerated.

PURPOSE

The purpose of this policy is to express the commitment of the College to provide a work and study environment free of harassment, to promote an understanding of the nature and effects of harassment and discrimination in an effort to prevent such incidents and to provide a process for dealing quickly, effectively and appropriately with any instances of harassment that do occur.

APPLICATION OF THE POLICY

This policy applies to all members of the College community including, but not limited to students, academic and non-academic staff, visiting academics, volunteers, consultants and service and supply contractors and their employees while they are engaged in activities related to their contracts with the College.

This policy applies to conduct in the work, study and living environment, at College-related functions and during College-related off-campus work, study or training session, conferences and travel.

This policy is not intended to affect any other legal rights that individuals or the College might have related to harassment or discrimination.

PRINCIPLES

All members of the College community have the right to be treated with respect, the responsibility to respect the rights of others and the obligation to insure that the work and learning environment is free from harassment.

The College has a responsibility for maintaining a work and learning environment that is free from harassment and discrimination. Deans and Managers are expected to take prompt steps to act on this responsibility where instances of harassment may have occurred, whether or not a formal complaint has been made.

Individuals who engage in harassment will be subject to discipline up to and including dismissal or expulsion from the College.

All members of the College community have a right to make a complaint or enforce their rights under this policy without retaliation. Acts of retaliation against individuals making a complaint or against witnesses to a complaint are prohibited. Retaliation of any kind will be treated as harassment under this policy.

Individuals who make bad faith allegations of harassment which are knowingly false, fraudulent or malicious, will be subject to discipline up to and including dismissal or expulsion from the College.

This policy is not intended to interfere with ordinary social or personal relationships among members of the College community or to infringe upon the academic freedom of any member of the College community.

WHAT IS HARASSMENT?

Harassment occurs when an individual or group is subjected to conduct which is vexatious, offensive, threatening, intimidating, abusive, humiliating, disparaging, or demeaning and which is known or reasonably ought to be known to be unwelcome.

If a person is subjected to harassment because of their race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation, the conduct may also constitute discrimination prohibited by Alberta human rights legislation.

Harassment may take many forms. It may be expressed verbally, through written or electronic communications such as email or Internet websites, over the telephone, through graphic displays such as calendars, posters, photos or drawings, through actual or threatened physical contact or gestures or through silence and exclusion. Examples which are not exhaustive, include:

- unwanted physical contact including touching, patting, pinching, slapping, punching, assault or physical abuse
- unwanted or unwelcome attention, such as staring, stalking or leering
- excessive, threatening or obscene telephone calls or email

- unwelcome sexual advances
- requests or demands for sexual favours made as a condition of educational progress, a condition of employment, continued employment, advancement, entitlement or advantage
- insulting derogatory or intimidating words, jokes, taunts, teasing, innuendo, threats
- inappropriate comments about an individual's dress, body, race, religion, or other personal characteristics
- suggestive remarks or inappropriate inquiries about an individual's personal life
- posting, display or distribution of pornographic, racist or other offensive material, signs or images
- objectionable gestures
- mimicking of an individual's speech, accent or mannerisms
- condescension or paternalism directed to a person or group of persons because of their personal characteristics
- refusal to work with or denial of a right or advantage to a person or group of persons because of their personal characteristics such as age, race, colour, religion, sexual orientation, disability or gender

Harassment may occur as a result of one incident or a series of incidents.

It is not necessary that the unwelcome conduct be directed at a specific individual for the conduct to be considered harassment.

Members of the College community are encouraged to consult with the Manager of Human Resources to seek clarification as to what constitutes harassment in particular circumstances.

RESOLUTION PROCEDURES

Direct Action

Any person who believes that he or she has been harassed or discriminated against should attempt to put a stop to the unwelcome conduct by informing the individual responsible that his or her behaviour is unwelcome or inappropriate and requesting that it end.

Informal Processes

An individual ("the complainant") who is legitimately reluctant to confront their harasser ("the respondent"), has done so without success or who feels that he or she has been subjected to retaliatory behaviour after doing so may raise the matter with their own supervisor, advisor or association or union representative, with any person or persons responsible for supervising or overseeing the conduct of the respondent, or with the Manager of Human Resources. Any person so advised of a possible instance of harassment by a complainant will immediately bring the matter to the attention of the Manager of Human Resources.

If the Manager of Human Resources determines that the conduct as described by the complainant may constitute harassment or discrimination, the Manager will discuss with the complainant the range of options for resolving the situation.

Available options may include informal discussions with the respondent; counseling of the parties; mediation with the consent of both complainant and respondent and in accordance with the established guidelines; and/or grievance or complaint proceedings under existing collective agreements, the Olds College Code of Conduct or the formal complaint procedure set out in this policy.

If mediation is chosen, the process of mediation is set out under the mediation procedure.

Mediation Procedures

In mediation, the parties attempt to resolve the issue(s) which led to the complaint. Either party may make a written request for resolution through mediation to the Manager of Human Resources who will convey the request to the other party.

The Manager of Human Resources will select an experienced mediator. The mediator will inform the parties of the procedures to be followed. Both the mediator chosen and the format of the mediation procedure must be acceptable to both parties.

Mediation proceedings are confidential and communications made by each party during mediation are made without prejudice.

A mediated resolution of the complaint results in a written agreement setting out the terms of the resolution and if a proposed resolution involves the College, the College must also agree to the resolution.

Formal Complaint

Where applicable, resolution of formal complaints of harassment and discrimination will proceed according to the College's negotiated investigative, disciplinary or grievance procedures as contained in any applicable collective agreements or the Olds College Code of Conduct. In situations not covered by these existing procedures or where the parties involved agree to proceed under this policy as an alternative to these existing procedures, resolution of a formal complaint will proceed as follows:

1. Any person may file a written complaint with the Manager of Human Resources, including in the complaint a comprehensive description of the harassment or discrimination which is the subject of the complaint.
2. In order for a complaint to be accepted for formal investigation it must be received within 6 months of the date of the most recent alleged incident.
3. On receipt of the written complaint, the Manager of Human Resources will provide a copy of the complaint and a copy of this policy to the named respondent.
4. The respondent will be given a reasonable opportunity, as determined by the Manager of Human Resources, to submit an oral or written response to the complaint. A copy of any written response or a written summary of an oral response will be provided to the complainant.
5. After receipt of the complaint and response, if any, the Manager of Human Resources will determine whether an investigation into the complaint is warranted. If it is determined that no investigation is warranted, the complaint will be denied and the complainant and respondent will be informed of the denial.
6. If an investigation is found warranted, the Manager of Human Resources will appoint an investigating officer.

7. The complainant has the right to withdraw the complaint at any stage of the process.
8. The investigating officer will commence and complete investigation of the complaint within 30 days of being appointed unless a longer period is appropriate in the circumstances and the time is extended by the Manager of Human Resources. Both the complainant and the respondent will be advised of any extension.
9. The investigating officer may interview the complainant, the respondent and any other individuals who may have relevant information pertaining to the complaint; review any related documents and other material; and conduct any other inquiries deemed necessary for the purpose of the investigation. Both the complainant and the respondent will be advised of the substance of information obtained by the investigating officer during the investigation of the complaint. They will also be given an opportunity to respond to information obtained from other individuals and to examine relevant documentation.
10. The investigating officer may recommend to the Manager of Human Resources that the investigation be terminated and the complaint be dismissed at any stage of the process.
11. Within 15 working days after conclusion of the investigation, the investigating officer shall prepare and submit to the Manager of Human Resources a report containing the investigating officer's findings and recommendations for discipline and/or remedial relief.
12. Within 10 working days thereafter, the Manager of Human Resources shall report to the President the findings and recommendations of the investigating officer.
13. Where the investigation report substantiates the complaint, the final decision for the imposition of discipline and/or granting of remedial relief rests with the President, who will have due regard for the disciplinary procedures set out in College policies, any applicable collective agreements or the Olds College Code of Conduct, as appropriate.
14. Where the investigation report does not substantiate the complaint, the complaint will be dismissed and no documentation relating to the complaint will be placed in the respondent's file.
15. The President will inform all parties in confidence of the decision. Unless circumstances otherwise reasonably warrant, the President shall issue the decision within 30 days from the receipt of the investigation report.
16. If it is determined that a complaint has been made which was knowingly false, fraudulent or malicious, appropriate discipline may be imposed on the complaining party and appropriate remedial relief made available to any individual injured by the complaint.
17. If a complaint is made affecting the President, the Chair of the Board of Governors will assume the role of the President for activities that the President would otherwise undertake in this policy.
18. If a complaint is made affecting the Manager of Human Resources, the Vice-President of Student and Support Services will assume the role of the Manager of Human Resources for activities that the Manager of Human Resources would otherwise undertake under this policy.

FINAL DECISION

The President's decision is final and binding.

CONFIDENTIALITY

The College will ensure that any inquiry made or informal or formal process taken pursuant to this policy is kept in confidence except as necessary to the investigation or to respond to any legal and/or administrative proceedings arising under this policy or otherwise. The policy is subject to the Freedom of Information and Protection of Privacy Act.

It is essential that the complainant, respondent and all those involved in the informal or formal processes conducted under this policy also maintain confidentiality. Breaches of confidentiality will be subject to discipline.

EDUCATION

Increased awareness and sensitivity to the issues of harassment and the right of every individual to be treated with dignity, respect and equality is the main goal of this policy.

The College will provide access to information and education regarding harassment through articles in College publications, employee and student handbooks, employee and student orientation sessions, presentations to student and employee groups and with print material distributed and available through the Campus Life and Human Resources Departments.

REPORTING

The Manager of Human Resources is responsible for preparing and distributing an annual report to the Board of Governors which will cover a calendar year and be available no later than March 31st of the following year. The annual report will summarize the activities in administering this Policy and will provide information on the nature of complaints, problem solving, mediation activities, investigations and decisions involving remedies or discipline.

IMPLEMENTATION AND ADMINISTRATIVE RESPONSIBILITY

Manager of Human Resources. This policy will be reviewed every five years.