



THORNELOE
UNIVERSITY

AT LAURENTIAN

**A Respectful Workplace and Learning Environment:
Workplace Harassment and Discrimination Prevention Program¹**

Approval Authority: Executive Committee of the Board of Governors

Approval Date: November 22, 2018

Next Review: November 1, 2019 (JHSC)

Thorneloe University is committed to promoting a respectful, diverse and inclusive community and for ensuring that every individual in its community is protected from discrimination and harassment and treated with respect and dignity. Workplace discrimination and/or harassment will not be tolerated from any person in the workplace including employees, students, contractors, visitors, and members of the public. This Program shall establish mechanisms to give effect to the Policy on a Respectful Workplace and Learning Environment (the “Policy”) including:

1. Providing information and instruction on the contents of the Policy and this Program
2. Providing ongoing support and assistance to carry out responsibilities under the Policy
3. Set out procedures as related to how Thorneloe University will investigate and deal with incidents and complaints of Discrimination and Harassment.

Thorneloe University will investigate all complaints and incidents of discrimination and harassment in a manner that is appropriate in the circumstances.

1. Workplace harassment

¹ Along with the “Workplace Harassment and Discrimination Prevention Policy,” this Program replaces the “Harassment and Discrimination Policy” of October 2005/August 2016.

“Workplace harassment” means engaging in a course of vexatious comment or conduct against a worker² in a workplace that is known or ought reasonably to be known to be unwelcome and/or workplace sexual harassment.

“Workplace sexual harassment” means:

- 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 a 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;

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment (i.e. scheduling, annual performance reviews).

2. Reporting workplace harassment

A. How to report workplace harassment

Workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form (see attached). When reporting verbally, the reporting contact, along with the worker complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

- i. Name(s) of the worker who has allegedly experienced workplace harassment and contact information
- ii. Name of the alleged harasser(s), position and contact information (if known)
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
 - a. Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.

² For the purposes of this document, the term “Worker” refers to all individuals listed in “Scope,” p. 2 of the “Workplace Harassment and Discrimination Prevention Policy.”

- b. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

B. Who to report workplace harassment to

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Employees and students are encouraged to report all incidents of harassment and discrimination to either the President or the Application Officer. If the harasser is the Application Officer, complaints shall be reported to the President. If the harasser is the President, complaints shall be reported to the Chair of the Board of Governors.

The Application Officer

The role of the Application Officer shall be:

1. To offer support and guidance to the Thorneloe Community with respect to the Policy on Harassment and Discrimination as well as this Program;
2. To offer support and guidance to an individual making a complaint (the "Complainant")
3. To offer support and guidance to an individual against whom a complaint has been made (the "Respondent");
4. Outline and guide the Complainant on options for resolving the issue, including personal resolution, informal resolution, or formal resolution;
5. Assist the parties to informally resolve matters, as required;
6. Coordinate any investigation process in a consistent, timely and fair manner;
7. Report all harassment complaints to the President, or an individual appointed by the Board of Governors, where there is a health or safety risk

The Application Officer or designated individual shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves the President, senior executive or a member of the Board of Governors, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

3. Investigation

A. Commitment to investigate

Thorneloe University will ensure that an investigation appropriate in the circumstances is conducted when the employer, the President, the Application Officer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

B. Who will investigate

The Application Officer (or otherwise designated person) will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve senior leadership, such as the President and above, the employer will refer the investigation to an external investigator to conduct an impartial investigation.

C. Timing of the investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

D. Investigation process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.
- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
- vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the

workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not. The report must not only be fair and impartial, but also thorough, complete and useful and shall include a clear statement, based on a balance of probabilities, stating the following:

- a. Complaint allegations are substantiated; or
- b. Complaint allegations are unsubstantiated; or
- c. There is insufficient evidence on which to base a finding; or
- d. The complaint was frivolous, vexatious, malicious, or made in bad faith.

E. Results of the investigation

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

F. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

G. Handling complaints

The Employer's designated representative will make appropriate inquiries of the worker who has experienced harassment, and any witnesses, to determine if the incident is minor or serious.

If the incident is minor, the Employer shall:

- i. consider the appropriateness of mediation between the parties,
- ii. inform the harasser and conduct an appropriate investigation, and
- iii. report the findings to the worker who has experienced harassment, and take appropriate remedial measures.

If the incident is serious, the Employer shall:

- i. ensure the safety of the worker who has experienced harassment, and others,
- ii. inform the harasser and conduct a thorough investigation,
- iii. consider the suspension (with pay) of the harasser pending the conclusion of the investigation,
- iv. take appropriate remedial measures.

Depending upon the seriousness of the incident alleged, and the willingness of the parties involved, different options for resolution may be considered. The following options are available to provide a course of action that meets the needs of those involved:

1. **Personal Resolution Process:** This involves telling the individual to stop and that such behavior is unacceptable, inappropriate or unwelcome and will be reported if the behavior does not stop.
2. **Informal Resolution Process:** This is a process by way of discussion with both the Complainant and the Respondent, separately or together, with a view toward reaching a resolution. This process will attempt to be conciliatory rather than adversarial. It is best used in the early stages where people are willing to come to an agreement. Such an agreement may take the form of a clarification of a misunderstanding, an apology, or an agreed plan of action to avoid future incidents. It will be initiated by an individual submitting a written complaint which sets out a summary/details of any alleged incidents. If a mutually agreed upon resolution is achieved, an acknowledgement that an agreement has been reached shall be prepared by the Application Officer and signed by both parties. Failing resolution of the matter, the Complainant shall have the right to either take no further action, continue to explore other means of informal resolution, or proceed to a Formal Resolution Process.
3. **Formal Resolution Process:** This refers to the complaint process where a fact-finding investigation is carried out and a determination is made as to whether the Policy has been breached. When the matter cannot be resolved by the Informal Process, or is too serious to be dealt with by the Informal Process, a Formal Resolution Process may be initiated. The complaint shall be in writing, providing the particulars of the alleged harassment or discrimination including the name of the individual and shall be signed by the Complainant. A determination will be made as to whether the incident occurred as alleged, and appropriate action will be taken.

There shall be no negative consequences for any complainant under this policy, unless there is a finding that the complaint was made in bad faith or was completely frivolous, vexatious or malicious.

Anyone who retaliates against a person who filed a complaint, or who has been involved in a complaint, will be subject to disciplinary measures up to and including termination.

4. Record keeping

The employer (human resources or designated person) will keep records of the investigation including:

- a. a copy of the complaint or details about the incident;
- b. a record of the investigation including notes;
- c. a copy of the investigation report (if any);
- d. a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- e. a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for two (2) years.

Date created: _____

Annual review date: _____

Workplace Harassment Complaint Form

Name and contact information of worker who has allegedly experienced workplace harassment (your name):

Name of alleged harasser(s) and contact information, if available:

Details of the complaint of workplace harassment:

Please describe in as much detail as possible the bullying and harassment incident(s), including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behaviour and/or words used); (e) any additional details. (Attach additional pages if required)

Relevant documents/evidence:

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Signature: _____

Date: _____