



Harassment and Discrimination, Prevention and Resolution Policy

Division or Sector: Director General

Responsibility: Director General

Approved by Management Executive Committee May 17, 2016

Approved by Vanier College Board of Directors June 14, 2016

Replaces Respectful Learning and Workplace Environment Policy (7110-1) effective August 1, 2016.

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1. POLICY STATEMENT

Our commitment to a safe and respectful learning & working environment

Vanier College is committed to providing a respectful, safe and inclusive learning and working environment that is free from discrimination and harassment.

The College will not tolerate any form of discrimination and/or harassment, as defined by the Quebec Charter of Human Rights and Freedoms and the Act Respecting Labour Standards in Quebec.

In order to achieve this objective, and in accordance with its legal obligations, the College will take all reasonable steps to prevent discrimination and harassment and will take appropriate measures to cease and stop their occurrence when informed of the existence of such behaviour, even if a formal complaint has not been filed. Those who are found to be in violation of this policy are subject to appropriate sanctions and measures.

All members of the College community will be treated equitably under this policy and allegations of discrimination and/or harassment will be handled in a fair, unbiased and timely manner.

2. SCOPE OF APPLICATION

This policy applies to all students and employees (including teachers, professionals, support personnel, casual staff, contractual staff, managers, directors), as well as the members of the Vanier College Board of Directors.

This policy applies to behaviour that occurs in the context of College related activities whether or not the behaviour occurs on or off College premises or during or outside formal working hours.

This policy is not intended to constrain social interaction between people at Vanier College, nor is it to be interpreted or applied in such a way as to detract from the rights and obligations of those in management roles to manage employees and students in accordance with collective agreements or applicable college policies and procedures.

This policy is to be interpreted in such a way that academic freedom is not limited. It is intended to balance the rights of all members of the Vanier community to function in an environment that allows open discussion of issues with the right to function in an environment free from discrimination and harassment.

3. DEFINITIONS

DISCRIMINATION:

Direct, indirect or systemic unfair treatment of a person or group in comparison to others on the basis of a prohibited ground under the Quebec Charter of Human Rights and Freedoms, that deprives them of equal rights in the workplace or place of study. The

prohibited grounds include, race, colour, sex, gender identity, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

DISCRIMINATORY HARASSMENT:

Behavior characterized by repeated and unsolicited words, actions or gestures of a vexatious nature, that could either undermine the dignity or the physical or psychological integrity of the individual or lead to adverse or preferential treatment that negatively affects the employment status, of an employee, the academic status of a student, or the provision of a College service, on the basis of a prohibited ground under the Quebec Charter of Human Rights and Freedoms.

PSYCHOLOGICAL HARASSMENT:

Vexatious behaviour in the form of repeated hostile or unwanted conduct, verbal comments, actions or gestures that affects an individual's dignity or psychological or physical integrity and that results in a harmful work or study environment whereby the individual does not feel safe and feels constantly humiliated and offended. A single serious incidence of such behaviour that has a lasting harmful effect on an individual may also constitute Harassment.

SEXUAL HARASSMENT:

Vexatious behaviour that manifests itself by comments, actions or gestures of a sexual or gender-related nature that is repetitive, hostile or unwanted. This behaviour affects the individual's dignity or psychological or physical integrity and leads to a harmful work or study environment for this person.

ROMANTIC AND SEXUAL RELATIONSHIPS:

A consensual romantic and sexual relationship between two people is not harassment. Romantic and sexual relationships between faculty members and students, between supervisors and employees or employees and students are ones in which a power differential may exist. Those holding positions of authority will not abuse the power with which they have been entrusted. An abuse of that power differential creates a negative environment for work and study and casts doubt on the validity of the consent to such a relationship.

REASONABLE PERSON STANDARD:

Those responsible for interpreting, administering and applying this policy will use a "reasonable person" standard. This standard is used to determine whether a reasonable person in a similar position as the complainant would judge harassment or discrimination to have occurred as a result of a single incident or pattern of behaviour.

MEMBER OF THE VANIER COLLEGE COMMUNITY:

Member of the Vanier College Community means any employee, student or any person who provides a service for or receives a service from Vanier College, or any person who interacts with Vanier College in the context of its role as a public post-secondary institution.

4. EXAMPLES OF WHAT MAY CONSTITUTE HARASSMENT:

- Unwelcome remarks, slurs, jokes, or taunts about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- Unwelcome sexual remarks, invitations or requests (including persistent and unwanted contact after the end of a relationship);
- Displays of sexually explicit, sexist, racist or other offensive or derogatory material;
- Written or verbal abuse or threats (cyberbullying);
- Leering or other offensive gestures;
- Unwelcome physical contact such as patting, touching, pinching, hitting;
- Isolating and ignoring someone and preventing them from speaking;
- Undermining and abusing through ridicule, humiliation, insults, threats and discrediting one's work;
- Intimidation, threats, reprisals, refusals to grant employment or promotion, dismissals, and other types of harm inflicted for the refusal of sexual favors;
- Physical or sexual assault.

*This list is not all inclusive and exhaustive. Other acts or behaviours may also constitute harassment.

5. HARASSMENT DOES NOT INCLUDE:

- Consensual banter or consensual romantic and sexual relationships;
- Legitimate and normal exercise of management rights, including performance reviews, counseling and discipline, without abuse and without discrimination;
- Workplace conflicts;
- Normal stress experienced at work or school;
- Difficult working and learning conditions that are justifiable and affect all members in a non-arbitrary way.

*This list is not all inclusive and exhaustive. Other acts or behaviours also may not constitute harassment. The points listed above do not constitute harassment, however in abusive situations they may be factors that lead to harassment.

6. ACTIONS TO PREVENT AND STOP HARASSMENT

The College will raise awareness among managers, employees and students about the issue of harassment and/or discrimination, and will provide adequate information.

The College will provide all members of the College community access to an internal complaint resolution process for dealing with harassment and discrimination complaints. Please refer to *Vanier's Harassment and Discrimination-Prevention and Resolution Procedural document*.

7. MONITORING

Vanier College will review and amend this policy as required, or at least every 5 years following its adoption.

Legal definitions of harassment and discrimination, as provided for in this policy, are subject to change based on changes and/or amendments to the law.