
TITLE: HARASSMENT and DISCRIMINATION

POLICY STATEMENT:

In keeping with college values, harassment and discrimination will not be tolerated and those who become aware of situations where harassment or discrimination may be occurring are urged to report it to management staff.

All formal complaints of personal harassment and discrimination will be addressed through the office of the Director of Human Resources, supported by supervisors and union/association leaders as appropriate.

All parties involved in a personal harassment or discrimination complaint are protected from intimidation or reprisal once a complaint has been made.

This policy does not preclude individuals from placing a complaint with the Alberta Human Rights Commission or exercising any other legal rights.

POTENTIAL CONSEQUENCES

Behaviour that contravenes this policy will be subject to remedial action which may include, but is not limited to, direction to cease the behaviour, apology, participation in an educational program or participation in a mediation process. In addition, confirmed instances of harassment or discrimination may result in disciplinary action, including reprimand, suspension, termination of employment, or expulsion.

PREVENTION

The Director of Human Resources, will convene a standing joint harassment/ discrimination advisory committee responsible for tracking organizational trends, providing education, and making recommendations that address the prevention of personal harassment or discrimination at the college.

PURPOSE:

Red Deer College is committed to providing a safe process for bringing complaints forward and to fostering an environment free of personal harassment and discrimination, where human rights are respected and where all members of the learning community (employees, students, clients, contractors, and visitors) are treated in a fair and respectful manner.

SCOPE:

This policy applies to all employees, students, clients, contractors, and visitors. It applies to any activities on or off campus that could reasonably be associated with the workplace (e.g. college social events).

DEFINITION:

For the purposes of this policy, personal harassment or discrimination is defined as any unwanted, intimidating, abusive, unfair, offensive or demeaning treatment of a person or group of persons which either:

1. a) is made on the basis of race, religious beliefs, colour, gender, body type, dress, physical disability, mental disability, medical condition, age, ancestry, place of origin, marital

status, sexual orientation, source of income, or family status (*Alberta Human Rights, Citizenship and Multiculturalism Act*) and

- b) serves no legitimate educational or work related purpose
or
- 2. a) is known or ought reasonably to be known to have the effect of creating an unfair, uncomfortable, or unsafe environment and
 - b) serves no legitimate educational or work related purpose

Examples of personal harassment or discrimination may include, but are not limited to, yelling, name calling, swearing, threats, physical touching, comments, gestures, jokes or objects that are degrading or offensive to another person.

The performance of assigned supervisory responsibilities exercised in a fair and reasonable manner **does not** fall under the definition of personal harassment or discrimination. This includes performance appraisal, grading, appropriate workplace or student discipline, direction of the workforce and application of reasonable standards for attendance, job performance, and professional behaviour.

PRINCIPLES:

1. Complaints of personal harassment/discrimination will be dealt with in as timely a manner as possible.
2. The process for addressing complaints will focus on resolution of undesirable behaviour at the earliest stage possible and will involve only the relevant parties to the complaint.
3. Both the complainant (individual making the complaint) and the respondent (individual against whom a complaint has been made), have the right to have a union/association representative or support person of their choice present as an observer during any steps in the Procedures for Resolving Complaints.
4. The "Reasonable Person Standard" will be applied to determine whether alleged behaviour constitutes personal harassment/discrimination. That standard assumes that conduct will constitute personal harassment/discrimination if a reasonable person in the position of the respondent ought to have known that the conduct falls within the definition of personal harassment/discrimination above. The mere fact that the respondent did not know that his or her conduct constituted personal harassment/discrimination or did not intend the conduct to be harassing or discriminatory does not absolve the respondent of a finding that his or her conduct constituted personal harassment/discrimination.
5. The requirement for all parties to maintain confidentiality extends to all details regarding consultations, the complaint and its resolution, the identity of the parties, and all print material generated through the Procedures for Resolving Complaints. Information regarding the complaint may be disclosed with the permission of the parties, where disclosure is necessary in investigating the complaint or as may be required, in accordance with the law or with the Freedom of Information Protection of Privacy Act.
6. If, through the investigative process, the complaint is determined to be false or vexatious, this will result in disciplinary action up to and including termination or expulsion.
7. Interference or reprisals against any individual making a complaint or acting in any other role under this policy will result in disciplinary action up to and including termination of employment or expulsion.
8. The Complainant may withdraw the complaint at any time. The College reserves the right to continue to investigate in situations where there is potential risk of negative effects for other employees or where systemic issues may be involved.

9. No record of a complaint will be maintained on the personnel file of a complainant. If there is a finding of harassment or discrimination resulting in formal disciplinary action, the record of the discipline will be placed in the respondent's file, as for other disciplinary actions.
10. All complaints, including those resolved at the informal stage, will be recorded in a spreadsheet format that allows for the tracking and monitoring of organizational trends while protecting the identity of the complainant and the respondent.

PROCEDURES FOR RESOLVING COMPLAINTS

Stage 1 Self-Help

Any individual who feels that they have been subjected to personal harassment or discrimination is strongly encouraged to immediately inform the individual concerned that the behaviour is unwelcome and request that it stop immediately. This should be documented, including the dates, times, and any witnesses.

Stage 2 Management Support and Intervention (Informal Complaint)

1. a) It is recognized that where there is a power imbalance, or other intimidation factors, a complainant may desire assistance to address their concern. Complainants may contact their Supervisor, Division, School or Department Leader for assistance in speaking with the respondent. If the respondent is their supervisor, or Senior Administration Member, the next level of management may be contacted for assistance.
 - Alternatively, complainants may contact the Health & Wellness Centre or a Human Resource Consultant for support and assistance.
 - Students may contact the Director of Student Services for assistance and support.
 - In cases involving concerns for personal safety, the Manager of Security will provide immediate assistance.
- b) The management staff assisting the complainant reviews the options and procedures for resolving complaints and may facilitate a meeting between the complainant and the respondent to reach informal resolution of the complaint.
- c) The management staff assisting the complainant reports the complaint to the office of the Director of Human Resources, noting the nature of the complaint (e.g. name calling) the type of complaint (e.g. faculty-staff), area of the College and resolution. The aggregate report will be reviewed by the joint harassment and discrimination advisory committee on a regular basis for the tracking and monitoring of organizational trends.
- d) Referrals are made to other supports as required (for example, REACH program, security, counseling, mediator).
- e) Both the complainant and the respondent may request that a union or association representative or other person of their choice be involved in the process in a personal support role.
- f) Refusal of a respondent to participate in the informal process automatically moves the complaint to the formal complaint stage.

Stage 3 Formal Complaint

1. If the complaint is not resolved through stage 1 and 2, the Complainant may file a formal complaint by submitting a [Personal Harassment/Discrimination Formal Complaint Intake Form](#) to the Director of Human Resources within 10 working days of failure to resolve.
2. a) The Director of Human Resources informs the respondent of the formal complaint and provides a copy of the Personal Harassment/Discrimination Complaint Intake Form submitted by the complainant.
 - b) The Respondent may submit a written response to the complaint on the [Personal Harassment/Discrimination Respondent's Complaint Response Form](#).

- c) The Director of Human Resources appoints 2 investigators within 5 working days of receipt of the complaint form. The investigators are appointed, at the discretion of the Director of Human Resources from a roster of individuals who have received training sponsored by the College in the management of harassment or discrimination complaints. Whenever possible, at least one investigator is appointed from the peer group of the complainant and one from the peer group of the respondent, if they are from different constituency groups.
3. The investigators conduct interviews with the complainant, respondent and witnesses separately and in private except for support persons requested by the participants (normally union or association representatives) within 10 working days of their appointment.
4. The investigators determine if a case of harassment or discrimination has occurred and submit a report including the determination and the facts of the case to the Director of Human Resources within 5 working days of completion of the investigation. Investigators are not responsible for making recommendations.
5. a) The Director of Human Resources reviews the investigators' report as well as the complaint intake form and the complaint response form and renders a written decision within 5 working days of receipt of the report unless further information is required. The decision may involve remedial action or discipline up to and including termination of employment or expulsion. Implementation of disciplinary action shall comply with the provisions of the applicable collective agreement or with the college standard practice on progressive discipline.
b) The Director of Human Resources informs the respondent, the complainant, the President and as relevant, the Senior Administration Member of the decision.
6. If either the respondent or the complainant is not satisfied with the ruling of the Director of Human Resources, they may access the grievance or appeal processes provided for in the applicable collective agreement. Students may access the formal appeal panel process as outlined in the Appeals: Formal and Appeals: Informal Resolution Policies. Exempt staff may appeal to the President in writing. Individuals may pursue external remedies (such as legal action) that may be available to them in the circumstances.
7. Records of complaint proceedings are filed in the office of the Director of Human Resources for 18 months and are then destroyed. Documentation of disciplinary actions is filed in the personnel file.

ACCOUNTABILITY: Director of Human Resources

RESPONSIBILITY: Director of Human Resources

Consultation for Review: Joint Harassment and Discrimination Advisory Committee

Policy Review Date: March, 2008

Effective Date: March 27, 2007

Revised Date:

CONNECTION TO BOARD POLICIES:

All RDC policies support relevant Board of Governors operational policies.