



No. BOG-HR-01

**Title: Policy to Stem Violence, Discrimination, Harassment and the Abuse of Power**

**CLASSIFICATION:** BOARD OF GOVERNORS

**FIRST ADOPTED:** June 9, 2008 – Board of Governors item 430.6.4

**REVISED:** October 27, 2014 – Board of Governors item 470.5.1

### **Preamble**

This policy has been developed in light of the College's Mission Statement, the Human Resource Management Policy, the Quebec Charter of Human Rights and Freedoms (RSQ, ch. C-12) and the Act Respecting Labour Standards (RSQ, ch. N-1.1). Dawson College recognizes that all its employees and students are entitled to a respectful and harmonious work and/or study environment free from violence, discrimination, all forms of harassment, and the abuse of power, where respect of the individual's dignity, physical and psychological integrity are safeguarded. To this end, Dawson College will take all reasonable measures to prevent incidents of violence, discrimination, harassment and the abuse of power, and, when informed of such incidents whether informally or formally in writing, will intervene to address them.

### **Article 1 Objectives**

- 1.01 While it is understood that it is impossible to guarantee the absence of violence, discrimination, harassment or the abuse of power in any environment, this policy is intended first, to promote understanding and prevention, and, second, to provide a means of addressing these types of incidents should they occur.
- 1.02 To this end, the College will establish a committee to promote education and the prevention of incidents of violence, discrimination, harassment and the abuse of power.

### **Article 2 Scope**

- 2.01 The provisions of this policy apply to all students, unionized and non-unionized employees, management personnel, as well as the members of the Board of Governors of Dawson College while in the performance of their work or studies, regardless of the physical location in which they are called upon to complete said work or studies.
- 2.02 This policy incorporates and replaces the Sexual Harassment Policy adopted by the Board of Governors in December 1990 and any amendments thereto.
- 2.03 This policy respects the principles outlined in the various collective agreements of unionized personnel of the College as they relate to non-discrimination, sexual harassment, psychological harassment, violence and equal access to employment opportunities. Actions of a disciplinary nature resulting from a complaint lodged under this policy would be subject to the disciplinary measures and grievance procedures

established by the applicable collective agreement, the Student Code of Conduct or the Policy for Management Personnel.

- 2.04 The College strongly urges anyone who believes that he/she has been the victim of violence, discrimination, harassment or abuse of power to seek out a trusted individual to act in the role of confidant.

### **Article 3 Definitions**

- 3.01 **Abuse of power:** Inappropriate and or illegitimate use of authority, as conferred by hierarchical position, which takes the form of acts, threats, or insinuations which compromise an employee's ability to perform his/her work or a student's ability to complete his/her studies. This includes, but is not limited to, bullying, the threat of disciplinary or administrative measures without just or sufficient cause, and the removal of work-related or other rights and privileges.
- 3.02 **Discrimination:** Direct, indirect or systemic unfair treatment of a person or class of persons in comparison to others because of race, colour, sex, 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 which deprives them of equal rights or privileges in the workplace or place of study.
- 3.03 **Discriminatory harassment:** Vexatious or contemptuous behaviour that manifests itself by comments, actions or gestures related to race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap that are repetitive, hostile or unwanted. This behaviour affects the individual's dignity, psychological or physical integrity and leads to a harmful work or study environment for this person.
- 3.04 **Psychological harassment:** Vexatious behaviour that manifests itself by comments, actions or gestures that are 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.
- 3.05 **Sexual harassment:** Vexatious behaviour that manifests itself by comments, actions or gestures of a sexual nature that are 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.
- 3.06 **Violence:** Behaviour that manifests itself by, but is not limited to, incidents of abuse, bullying, intimidation, and physical threats or assaults, including assaults against physical property. This behaviour affects the individual's dignity or psychological or physical integrity and leads to a harmful work or study environment for this person.
- 3.07 **Single Incident Harassment:** In the case of discriminatory, psychological or sexual harassment, one serious incident of such behaviour may also constitute harassment if it can be shown that this behaviour has produced a lasting harmful effect on the person (staff or student) and that it affected his/her dignity or his/her psychological or physical integrity.

## **Article 4      Roles and Responsibilities**

- 4.01 Employees and students are responsible for conducting themselves in a manner that is respectful of others and thereby contributes to an environment free of violence, discrimination, harassment and the abuse of power.
- 4.02 The Director of Administrative Services (DAS) is responsible for establishing the admissibility of complaints directed against an employee of the College.
- 4.03 The Director of Student Services (DSS) is responsible for establishing the admissibility of complaints directed against a student of the College.
- 4.04 All managers are responsible, within their departments or services, for prevention measures and the application of this policy and all related policies and procedures.
- 4.05 With respect to the application of this policy, the Human Resources Department will provide any training or required assistance to those who manage or supervise employees, as well as to members of the Committee established by the policy. To this end, the Human Resources Department will oversee the development of policies, procedures and resources required for the implementation of this policy.
- 4.06 At no time may any employee of the College that is responsible for the implementation and application of this policy act as a confidant.
- 4.07 The Dawson Management Association, the Dawson Teachers Union, the Association of Dawson Professionals, the Dawson Support Staff Union and the Dawson Student Union are responsible for working with College management to prevent incidents of violence, discrimination, harassment and the abuse of power.
- 4.08 The Committee to Stem Violence, Discrimination, Harassment and the Abuse of Power is responsible for publicizing this policy, providing active education for the community and making recommendations, when and if necessary, on changes to this policy as well as to related policies and to existing practices. With the exception of the Director of Administrative Services (DAS) and the Director of Student Services (DSS), at no time may any member of the Committee play an active role in the investigation and decision-making process related to complaints filed under this policy, unless, they are serving in the role of a confidant.
- 4.09 The Committee is composed of the following:
- The Director of Administrative Services, or, a person delegated by the Director;
  - The Director of Student Services, or, a person delegated by the Director;
  - One member appointed by the Dawson Teachers Union (DTU);
  - One member appointed by the Association of Dawson Professionals (ADP);
  - One member appointed by the Dawson Support Staff Union (DSSU);
  - One member appointed by the Dawson Student Union(DSU);
  - One member appointed by the Dawson Management Association;
  - One member appointed by Senate;
  - A college ombudsperson;

- The College's student activities counsellor for health services (nurse).

## **Article 5 Principles of an Intervention**

- 5.01 Dawson College will conduct all interventions thoroughly with diligence, impartiality and integrity. All parties involved will be treated with respect and fairness. Dawson College ensures that anyone who, in good faith, requests an intervention will not be subject to penalties of any kind.
- 5.02 Anyone filing a complaint or being accused under this policy has the right to be assisted and advised by a resource person of his/her choice to act as confidant. To facilitate the process, Dawson College will, when possible, extend to this confidant release from his/her functions during normal working hours, to assist in the pursuit of the complaint.
- 5.03 All inquiries to the Director of Administrative Services (DAS) or to the Director of Student Services (DSS) will be treated in confidence. All interventions will be handled discreetly with concerned parties being reminded of their obligations with respect to confidentiality. The College will ensure that all documentation collected or filed during the intervention is handled in accordance with the Act Respecting Access to Information and the Protection of Personal Information (RSQ, ch. A-2.1). This documentation will be kept separate from the personnel files.

## **Article 6 Procedure for Resolving a Complaint**

- 6.01 Whenever possible, students and employees are encouraged to attempt to resolve conflicts directly. However, in the event that the complainant is uncomfortable with the idea of addressing his/her complaint with a person they allege to be a harasser, then, the complainant should immediately proceed to the next step in the procedure.
- 6.02 Should direct resolution fail or when it is inappropriate, the matter should be brought to the attention of the immediate supervisor of the person alleged to have committed the violence, discrimination, harassment or abuse of power. Should the immediate supervisor's intervention not resolve the matter, or, if the complaint is directed against the immediate supervisor, then the complainant, or a confidant acting on his/her behalf, must contact the Director of Administrative Services (DAS). In the event that the complaint directly involves the Director of Administrative Services (DAS), the procedure for handling the complaint will fall to the Director General. In the event that the complaint directly involves the Director General, the procedure for handling the complaint will fall to the Board Chair.
- 6.03 Failing a resolution in cases where a student is alleged to have committed violence, discrimination, harassment or the abuse of power, the complaint must be referred to the Director of Student Services (DSS). It is recommended that students first meet with a College ombudsperson.
- 6.04 No later than five (5) working days after hearing the nature of the complaint being presented, The Director of Administrative Services (DAS) or the Director of Student Services (DSS) will determine admissibility of the complaint and recommend:

- A less formal approach be undertaken to resolve the situation; or,
- The employee or the student files a formal written complaint requesting the College's intervention.

6.05 Once admissibility has been established and if the individual making the complaint decides to file a formal complaint, the Director of Administrative Services (DAS) or the Director of Student Services (DSS) will present the complainant with the two means of intervention available to resolve the situation: mediation or investigation.

### **Mediation**

6.06 Mediation can be an effective conflict resolution method that brings together only those persons concerned by the situation. Mediation seeks to put an end to the alleged harassment or abuse of power by finding, with the help of an impartial third party, mutually acceptable solutions for the people concerned. In order for mediation to succeed, participation in the process must take place in a context of good faith. In the event that mediation is the preferred option, the Director of Administrative Services (DAS) or the Director of Student Services (DSS) will name a mediator. The DAS or the DSS may choose to select an internal or an external resource person to act as the mediator for the case. The selection of the mediator must be agreed to by both parties.

6.07 The mediator's responsibility will be to provide a forum for discussion in a neutral setting. The mediator will not impose his/her point of view or that of either of the parties to the process. The mediator will also ensure that the parties have given their free and enlightened consent to any potential settlement that may be reached between them.

6.08 Mediation may be offered or requested at any point before, during or after an investigation if it becomes clear that the parties are interested in seeking an amicable resolution to the complaint. However, in the event that this option is exercised after the initiation of an investigation, no one actively involved in the investigation may assume the role of mediator.

### **Investigation**

6.09 When mediation is not an option or has not succeeded in resolving the situation, the College is required to investigate the complaint. In this event, the Director of Administrative Services (DAS) or the Director of Student Services (DSS) will form an investigation committee and designate two other managers, not involved in the incidents that led to the complaint, to assist in the investigation of the complaint. Whenever possible, the investigation committee will have both male and female representation. Exceptionally, when deemed necessary by the investigation committee, it may choose to select an external resource person to assist in conducting the investigation.

6.10 When an investigation is required, the duration of this process should not exceed ninety (90) days. In the event that the investigation committee require more time to complete the process, an explanation detailing the reasons for the delays will be included in the final report.

6.11 The investigation committee will meet with the complainant, the person being accused and any witnesses to the alleged harassment. In all cases of investigation, the person being accused has the right to know the allegations against him/her and to provide

his/her version of the facts. In assessing the testimony of all parties and the facts provided, the investigation committee will analyze the complaint to determine if a “reasonable person” in a similar situation as the complainant would also conclude that the cited behaviour was vexatious.

- 6.12 Upon completing the investigation, the investigation committee will prepare a confidential written report detailing the nature of the investigation and conclusions reached. The DAS or DSS will then take appropriate measures, in conformity with the appropriate provisions of the applicable collective agreement, the Institutional Student Evaluation Policy, the Student Code of Conduct, or the Policy for Management Personnel, to address the situation as required. While the report remains the exclusive property of the College, the conclusions of the investigation will be communicated in writing to both the complainant and to the person against whom the complaint was filed. Barring a request for an appeal, the College will consider the matter as closed.
- 6.13 In the case of complaint by a student, the DAS or the DSS may also recommend to the Academic Dean that the student be granted a course, or program withdrawal notwithstanding normal deadlines if the student so chooses. The Academic Dean will study the recommendation and advise the student and the DAS or the DSS of the decision.

## **Article 7 Appeals Process**

- 7.01 Decisions are subject to appeal only on the grounds that the decision reached was arbitrary or discriminatory, or, if the procedures outlined herein for the handling of the complaint were not respected.
- 7.02 Appeals must be submitted in writing within ten (10) working days of receiving the conclusions of the investigation and must include the specific reasons justifying the appeal.
- 7.03 In cases where the complaint is lodged against an employee of the College, appeals must be submitted to the Director General.
- 7.04 In cases where a complaint is lodged against a student, appeals must be submitted to the Academic Dean.
- 7.05 In the event that the Director General was directly involved in the investigation, the Board Chair will name a neutral third party to hear the appeal.
- 7.06 A successful appeal will result in a new investigation into the complaint.

## **Article 8 Prevention and Support Measures**

- 8.01 The College will communicate this policy to its employees and students; ensure that all members of the Dawson community are aware of their responsibilities under this policy; and make it clear to all that the College does not tolerate violence, discrimination, harassment or the abuse of power.

- 8.02 Employees implicated in an intervention related to violence, discrimination, harassment or the abuse of power, be they presumed victim, presumed harasser, or witness to the events, are encouraged to make use of the free and confidential professional services available to them via the College's Employee Assistance Program.
- 8.03 Students seeking support as a result of this process can consult the professional counselling services provided free of charge through Student Services.
- 8.04 The College will take reasonable measures to assist victims, as well as those accused of violence, discrimination, harassment or the abuse of power, to re-establish their physical or psychological integrity and reintegrate them to the workplace or to their studies.
- 8.05 The College will not tolerate any forms of retaliation on the part of anyone involved in a complaint filed under this policy.
- 8.06 The College will take appropriate disciplinary measures against anyone found to have intentionally lodged a false or frivolous complaint under this policy.

#### **Article 9      Evaluation and Revision**

- 9.01 The Committee to Stem Violence, Discrimination, Harassment and the Abuse of Power will evaluate this policy periodically and make recommendations for revisions as appropriate.