

TITLE: ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY	
APPROVED: December 2, 2002	REVIEWED: May 7, 2012
NEXT REVIEW: 2014-2015	
RESPONSIBILITY: Executive Director, Human Resources	
APPENDICES:	
CROSS-REFERENCE: Student Misconduct – Non-Academic Offences Policy	

POLICY STATEMENT:

GPRC is committed to providing a learning and working environment free of discrimination, harassment and bullying. It is therefore the policy of GPRC that acts of discrimination, harassment or bullying by or against members of the College community are unacceptable and will not be tolerated.

PURPOSE:

The purpose of this policy is to promote an understanding of the nature and effects of discrimination, harassment and bullying in an effort to prevent such incidents and to provide a process for dealing quickly, effectively and appropriately with any incidents that occur.

SCOPE:

This policy applies to all members of the College community including all students on campus, faculty and staff, volunteers, consultants and service and supply contractors and their employees while they are engaged in activities related to their engagement with the College.

This policy does not remove or affect any rights of appeal or rights to grieve which members of the College community have independent of this policy. Nor does it affect an individual's right to file a timely human rights complaint with the Alberta Human Rights and Citizenship Commission or to file civil or criminal charges in appropriate cases.

Individuals involved in or entering into a sexual relationship with a consenting adult who is or who is about to be subject to them for the purpose of evaluation or supervision should consider the power differential and the implications thereof and are expected to decline or terminate their supervisory or evaluation role in that instance by arrangement with the Divisional Vice-President.

DEFINITIONS:

Discrimination (as defined by the Canadian Human Rights Commission) means treating people differently, negatively or adversely on the basis of a prohibited ground of discrimination. In order to avoid discrimination, accommodation may be required.

Prohibited grounds of discrimination are: race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status and sexual orientation.

Harassment (as defined by the Canadian Human Rights Commission) is any unwanted physical or verbal conduct that offends or humiliates. Harassment can consist of a single incident or several incidents over a period of time. Harassment is a type of discrimination. It can take many forms such as:

- Threats, intimidation or verbal abuse;
- Unwelcome remarks or jokes about subjects of a prohibited ground of discrimination;
- Displaying sexist, racist or other offensive pictures or posters;
- Sexually suggestive remarks or gestures;
- Inappropriate physical contact, such as touching, patting, pinching or punching;
- Physical assault, including sexual assault.

Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome.

Workplace bullying is unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety. Unreasonable behaviour can be defined as behaviour that harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates another staff member(s). The most common types of bullying behaviours are:

- Verbal abuse
- Cyber-bullying
- Exclusion or isolation of employees
- Constant non-constructive criticism of another's work
- Attempts to humiliate, intimidate, or undermine staff
- Assignment of meaningless tasks unrelated to the job
- Assignment of impossible tasks
- Deliberately changing work rosters to inconvenience particular employees
- Deliberately withholding information vital for effective work performance

Workplace bullying does not include:

- Reasonable and proper application of management responsibilities such as performance appraisals, coaching, discipline, attendance management and the application of performance standards.
- Complaints about legitimate and reasonable performance and management processes, disciplinary action, or allocation of work in compliance with Collective Agreements and Employment Standards.
- Implementation of organizational change.

PROCEDURE/GUIDELINES:

1. RESOLUTION/COMPLAINT PROCEDURES

The following is a summary of procedures for complainants (those who bring forward complaints of discrimination, harassment or bullying), and for respondents (those alleged to have engaged in discriminatory, harassing or bullying conduct).

Under no circumstances should a legitimate complaint be dismissed or downplayed nor should the complainant be told to deal with it personally.

The complainant has the option of proceeding with an informal or formal complaint.

In the event the complainant initially elects to proceed informally and the complaint is not resolved, the complainant may still proceed with a formal complaint, provided it is filed within one hundred and twenty (120) calendar days after the most recent alleged incident.

While informal resolution is being attempted or a complaint is being formally investigated, nothing in this policy restricts the College's right to implement interim remedial measures, such as transferring the relevant individuals or temporarily relieving the respondent of their duties with pay.

In the case of consultants, and service and supply contractors, the College will determine a remedy to the situation as it sees fit, including contract termination.

Employees who are complainants or respondents are entitled to be accompanied by a representative of their Association or Union. The Association or Union representative acts in the interest of the employee but may not answer questions on behalf of the employee. The representative acts in a supportive nature to ensure that proceedings are fair and that all parties are providing clear and correct communication and evidence. Additional support for the complainant and respondent is also available through the College's Employee and Family Assistance Program.

All meetings with students must include the appropriate Dean, or designate.

1.1. Informal Resolution

The complainant shall bring the allegations to the attention of the Executive Director, Human Resources or a Human Resources Advisor, who shall immediately inform the Divisional Vice-President.

Provided both parties consent to the process, the parties can then attempt to resolve the complaint through informal processes. Available options include informal discussions with the respondent; counselling of the parties, and mediation.

As the informal resolution process is entirely voluntary, neither party is compelled to participate in the process and can withdraw from it at any time.

The informal resolution process is a confidential settlement process designed to explore possible resolutions to the complaint. Therefore, the parties participate in this process with the understanding that any statements made during the process are confidential and cannot be disclosed to third parties or used in any subsequent College proceedings. Any documents prepared or created for the purposes of informal resolution are also confidential.

Human Resources will ensure the appropriate Dean/Director and the Divisional Vice-President are updated throughout the process

1.2. Formal Complaint

The complainant may file a formal, written complaint with the Executive Director, Human Resources or a Human Resources Advisor. In order for a complaint to be accepted and investigated, the complaint must be filed within one hundred and twenty (120) calendar days after the most recent alleged incident. The complaint should include the name of the respondent, dates, names of witnesses (if any) and particulars of the alleged harassment, discrimination or bullying.

Upon receipt of the written complaint, the Executive Director, Human Resources or a Human Resources Advisor will send a copy of the complaint to the identified respondent, together with a copy of this policy.

The respondent will be given an opportunity to submit a written response to the complaint, provided it is filed within fourteen (14) calendar days from their receipt of the complaint. A copy of that written response will then be provided to the complainant.

1.3 Investigation

Within seven (7) days of the expiry of the respondents opportunity to submit information, the Executive Director, Human Resources and the Divisional Vice-President will review the complaint and response (if any) and will make a recommendation to the President regarding whether an investigation is warranted.

Where the respondent is a student, the Executive Director, Human Resources and the Divisional Vice-President may determine whether to investigate the allegation(s) under the Student Misconduct – Non-Academic Offences policy.

The complainant and respondent will be informed of the decision to dismiss or investigate the complaint.

If an investigation is found to be warranted, the Divisional Vice-President and the Executive Director, Human Resources will appoint an investigator(s).

The investigator(s) will commence and complete the investigation of the complaint within thirty (30) calendar days of being appointed unless a longer period is appropriate in the circumstances.

The investigator(s) will attempt to interview the complainant, the respondent and any other individuals who may have relevant information pertaining to the complaint, review any related documents and conduct any other inquiries deemed necessary for the investigation.

The complainant may withdraw the complaint at any stage of this process. However, the President may direct that the investigation continue notwithstanding a declaration of such intention if it is determined that an investigation is still appropriate in order to ensure that the College community is free from harassment.

1.4 Investigation Report and Decision

Within fourteen (14) calendar days after conclusion of the investigation the investigator(s) shall prepare and submit a report to the Executive Director, Human Resources and the Divisional Vice-President containing the investigators' findings and any recommendations.

The Executive Director, Human Resources and Divisional Vice-President shall review the report with the President. Unless circumstances otherwise reasonably warrant, the President shall issue a decision concerning the complaint within fourteen (14) calendar days from receipt of the report.

Substantiated cases of discrimination, harassment or bullying may result in disciplinary action, ranging from a written reprimand to dismissal if the respondent is an employee of the College or a written reprimand to expulsion if the respondent is a student. Where the complaint is not substantiated, it will be dismissed and no documentation relating to the complaint will be placed in the respondent's file.

2. RETALIATION

All members of the College community have the right to make a complaint or enforce their rights under this policy without retaliation. Threats or acts of retaliation against complainants, respondents, witnesses or any other persons involved in the complaint process are prohibited.

Threats or acts of retaliation shall be reported immediately to the Executive Director, Human Resources and relevant administrators.

Substantiated cases of retaliation may result in disciplinary action, ranging from a written reprimand to dismissal if the respondent is an employee of the College or a written reprimand to expulsion if the respondent is a student.

3. BAD FAITH COMPLAINTS

Any person who files a complaint that is knowingly false or files the complaint for malicious reasons or in bad faith is subject to appropriate disciplinary action.

Substantiated cases of a bad faith complaint may result in disciplinary action, ranging from a written reprimand to dismissal if the respondent is an employee of the College or a written reprimand to expulsion if the respondent is a student.

4. CONFIDENTIALITY

To the extent reasonably possible, the complaint, the names of the relevant parties and witnesses and the particulars concerning the complaint, including any response, will be kept confidential, recognizing that release or publication of such information may be necessary in order to properly investigate the complaint or to respond to any legal or administrative proceedings arising under the implementation of this policy or otherwise.

5. APPEAL

This policy does not remove or affect any rights of appeal or rights to grieve which members of the College community have independent of this policy. Nor does it affect an individual's right to file a timely human rights complaint with the Alberta Human Rights and Citizenship Commission or to file civil or criminal charges in appropriate cases.