



**HUNTINGTON  
UNIVERSITY**

## **WORKPLACE HARASSMENT PROGRAM**

### **APPLICATION**

Huntington University is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace (including customers, clients, other employers, supervisors, workers, and members of the public, as applicable).

The workplace harassment program applies to all workers including managers, supervisors, temporary employees, students and subcontractors.

### **DEFINITIONS**

#### **1. Workplace Harassment**

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

Behaviours that can be construed as harassment include, but are not limited to, conduct violating the *Human Rights Code* such as unwelcome remarks or jokes about a person’s race, color, place of origin, religion, age, marital status, family status, disability, gender or sexual orientation. Unwelcome sexual remarks or contacts can be construed as sexual harassment. Workplace harassment also includes other types of behaviours usually qualified as bullying. Examples of such behaviours include, but are not limited, to the following: consistently speaking with a condescending attitude, spreading rumours, damaging a co-worker’s reputation, hostile or insulting emails and memos, and shouting at other staff.

**“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;

Workplace harassment does not include the proper exercise of responsibility or authority related to the provision of advice, assignment of work, counselling, performance evaluation, discipline, supervisory functions, or any of the management rights under the Collective Agreement.

As well, reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

## **2. Reporting Workplace Harassment**

Where workplace violence and/or harassment occurs, and is not immediately known to the employer or supervisor, the worker is encouraged to immediately inform the employer or supervisor of such conduct.

Where the employee has been subject to violence, or fears imminent use of violence towards them or any other person within the workplace, they shall immediately remove themselves from the situation and inform the employer or supervisor as is reasonably possible under the circumstances. In instances of violence or fear of imminent use of violence, where a supervisor or the employer is not immediately available, employees should contact building security, or where necessary, dial 911 for emergency services.

### **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 in sufficient detail, including date(s), frequency and location(s) of the alleged incident(s)

- v. Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
- vi. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

Once a complaint is received, it will be kept confidential, unless the disclosure is necessary for the purposes of investigating or taking corrective action or is otherwise required by law.

Reports of workplace violence that pose a risk of future workplace violence will be reviewed by the Joint Health and Safety Committee and additional steps may be taken to prevent future workplace violence. All reports of workplace violence will be forward to the Joint Health and Safety Committee for consultation and review.

### **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. If another employee becomes aware of a complaint or a contravention of this policy, whether formally or informally, the employee should refer the complaint to their supervisor or Chair of the Joint Health & Safety Committee.

Report a workplace harassment incident or complaint to your immediate supervisor or the Chair of the Joint Health & Safety Committee. If the worker's supervisor or reporting contact is the person engaging in the workplace harassment, contact the Complaints Officer. If the employer (e.g. President or a member of the Board of Regents) is the person engaging in the workplace harassment, contact the Complaints Officer.

Human Resources 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 or a member of the Board of Regents, 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.

### **c. Recommendation to Get Medical Help**

Employees who have been the victim of an alleged incident of workplace violence will be:

- (a) encouraged to get medical help
- (b) given the opportunity to be examined by a physician
- (c) provided with transportation if required

Employees and their families can get crisis counselling through the employee and family assistance plan, which can be accessed confidentially at 1-844-880-9142.

The Chair of the Joint Health & Safety Committee will review the incident and its effects and take reasonable steps to accommodate employees involved in the alleged incident.

### **3. Investigation**

#### **a. Commitment to Investigate**

Huntington University will ensure that an investigation appropriate in the circumstances is conducted when the employer, 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**

Huntington University will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve the President, or member of the Board of Regents, 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**

Huntington University will conduct a formal investigation into complaints of harassment and violence on a timely basis and in a manner that is appropriate to the circumstances, provided that there is a *prima facie* case for harassment or violence. Both the complainant and the respondent may be interviewed by an appropriate investigator, as will individuals who have information necessary to investigate the allegation(s). If the investigator finds that harassment or workplace violence has occurred, appropriate remedial action will be taken as well as steps to prevent any recurrence.

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.

#### **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 an employee, 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. The respondent (if he or she is an employee) will also be informed of the results of the investigation and any corrective action. This information shall also be provided to the Joint Health & Safety Committee.

If the event it is determined that any workplace harassment has occurred, such a breach of Huntington University's Harassment, Sexual Harassment and Violence-Free Workplace Policy may result in discipline up to and including termination of employment for cause.

Where the complainant or respondent is a faculty member, the investigation procedure and any resulting disciplinary action will be conducted and administered in accordance with the requirements set out under the Collective Agreement.

#### **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 to 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.

#### **h. No Reprisals**

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.

For faculty members, any disciplinary measures with respect to complaints made in bad faith, or reprisal, will be administered in accordance with the Collective Agreement.

Nothing in this policy prevents or discourages an individual from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's *Human Rights Code*. Individuals will also retain the right to exercise any other legal avenues that may be available.

#### **4. Record Keeping**

Huntington University's Office of the President will keep records of the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;

3. a copy of the investigation report (if any);
4. 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;
5. 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 three (3) years.

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