

St. Andrew's College

Harassment Prevention Policy

Approved by the Board of Regents
November 2021

St. Andrew's College

Harassment Prevention Policy

1. Theological Statement and Statement of Commitment

We believe that all humans are equal before God and in creation, and that Jesus emphasized mutuality and respect in relationships. Harassment is usually based on unequal power relationships. It therefore violates the integrity of persons, degrades them, and interferes with their gifts of creativity and wholeness.

Harassment misuses power and distorts relationships. It leads to alienation and distrust. Harassment is sin.

St. Andrew's College is committed to providing a harassment-free environment for study, work, residence, and worship, where everyone is treated with dignity and respect. That commitment may be seen in the College's commitment to being an Affirming Ministry of The United Church of Canada, and in the College's Policy on Justice.

St. Andrew's College will not tolerate any behaviour which constitutes harassment perpetrated by any member of the College community against any other member of the College community and will take all reasonable steps to prevent harassment and stop it if it occurs.

This policy should be read with other policies on employment, student conduct, and resident conduct and is intended to complement and not supersede these other policies.

2. Definition of Harassment

This harassment prevention policy covers:

Harassment Based on Prohibited Grounds

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- is made based on race (or perceived race), creed, religion, colour, sex (including gender expression, gender identity and two spirit identity), sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and,
- constitutes a threat to the health or safety of the employee, student, or resident.*

This harassment is prohibited in the Saskatchewan Employment Act and *The Saskatchewan Human Rights Code*. It also extends to sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.

Sexual harassment may include:

- A direct or implied threat of reprisal for refusing to comply with a sexually oriented request

* The term "employee" is used throughout this policy to refer to both paid employees, unpaid volunteers, contractors and visitors to St. Andrew's College; the term "resident" is used to refer to a tenant of the residence.

- Unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation
- Displaying pornographic materials
- Unwelcome physical contact
- Unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature
- Refusing to work with or have contact with employees, students, or residents because of their sex (including gender expression, gender identity, and two spirit identity), gender or sexual orientation

Personal Harassment

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects an employee's, student's, or resident's psychological or physical well-being; and
- the perpetrator knows or ought to reasonably know would cause the employee, student, or resident to be humiliated or intimidated.

Personal harassment involves repeated conduct or a single, serious incident that causes a lasting harmful effect on the employee, student, or resident. All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace, learning space, and living space remain respectful and free of harassment.

Personal harassment may include:

- Verbal or written abuse or threats
- Insulting, derogatory or degrading comments, jokes or gestures
- Personal ridicule or malicious gossip
- Unjustifiable interference with another's work or work sabotage
- Refusing to work or co-operate with others
- Interference with or vandalizing personal property

What is Not Harassment

This harassment policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and reasonable disciplinary action, including that which results from application of this policy. This policy also does not extend to demands for academic excellence or a reasonable quality of academic work; nor to the reasonable expression of opinions, debate, or critique of an individual's ideas or work. These actions are not harassment, even if they sometimes involve unpleasant consequences. Note that managerial and instructional actions must be carried out so it is reasonable and not abusive.

The policy also does not extend to harassment that arises out of matters or circumstances unrelated to employment, study, residence, or volunteer activity with the College. For example, harassment that occurs during a social gathering of co-workers that is not sponsored by the College is not covered. However, harassment that occurs while attending a conference or training session or volunteer meeting at the request of the College is covered within this policy.

Other situations that do not constitute harassment include:

- Physical contact necessary for the performance of the work using accepted industry standards
- Conduct which all parties agree is inoffensive or welcome
- Conflict or disagreements in the workplace, learning space, or living space, where the conflict or disagreement is not based on one of the prohibited grounds.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

The College's harassment prevention policy is not meant to stop free speech, appropriate learning experiences, or to interfere with everyday interactions.

What one person finds offensive, others may not. Generally, harassment is considered to have taken place if the person alleged to have harassed knows, or should know, that the behaviour is unwelcome. Usually, harassment can be distinguished from normal, mutually acceptable socializing.

3. College's Commitment

Complaints of harassment will be taken seriously and dealt with fairly, to prevent further harassment. The College is committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful place of work, study, residence, service and worship. Any attempt to penalize a complainant for initiating a complaint or any form of retaliation is prohibited and may be treated as a separate incident which calls for investigation.

Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against persons who are or were engaged or participated in harassment.

Communication:

A copy of this policy will be provided to all staff, faculty, students, and residents through inclusion in the respective Handbooks and to the Board through inclusion in the Board Orientation manual.

A copy of this policy will be posted on the College bulletin board that is visible to all employees, students, residents, and public, and on the website.

An information meeting will be held with employees to explain and answer questions about the new policy. Supervisors will review the policy with new employees as part of their orientation. Senior Administration will review the policy with new Board members as part of their orientation.

Confidentiality:

Harassment complaints and investigations will be held in the strictest of confidence unless the disclosure is necessary for the purposes of investigating the complaint, taking corrective action regarding the complaint or as required by law.

Action will be taken to prevent reprisal against persons who make a harassment complaint in good faith, which may mean informing complainants and respondents of this commitment.

4. Jurisdiction

This policy applies to College students and employees, College contractors, volunteers, residents and visitors to the College. It covers alleged violations that occur on or off campus where there is a substantive connection with the College.

Visitors, contractors or their workers, customers, and others invited to the College could potentially engage or participate in the harassment of an employee or student. St. Andrew's College may have limited ability to investigate or control their conduct. However, the College shall take reasonably practicable action to stop or reduce the risk to its employees, students, and residents of being harassed by third parties. When necessary, contractors, customers, or other visitors to the College will be informed that certain conduct directed towards employees, students, and residents will not be tolerated or allowed to continue; in such a situation employees are authorized to end telephone conversations, politely decline service and to ask the visitor or customer to leave the College.

If it is determined by the College that any employee has been involved in harassment, immediate disciplinary action can be taken. Such disciplinary action may involve counselling, a formal warning, or could result in immediate dismissal without further notice.

If it is determined by the College that any student or resident has been involved in harassment, disciplinary action may involve counselling, a formal warning, suspension or expulsion.

Other Options for Complainants

Nothing in this policy prevents or discourages an employee from referring a harassment complaint to Occupational Health and Safety (OHS) under the Saskatchewan Employment Act & Regulations. An employee, student, or resident may also file a complaint with the Saskatchewan Human Rights Commission under The Saskatchewan Human Rights Code.

An employee, student, or resident also retains the right to exercise any other legal avenues available.

Malicious Complaints

It is uncommon for someone to make a false claim deliberately, but it can happen. Making a false complaint or providing false information about a complaint is prohibited and is a violation of this Harassment Prevention Policy. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment, study, or residence.

5. Complaint Procedures

Responsibilities

College Officials. College officials must take prompt, effective action to prevent and address known or apparent incidents of harassment, whether or not they receive a complaint. They are also responsible to:

- Take action to promote a positive, productive environment for working and learning and to correct behaviour that interferes with this goal;
- Seek advice regarding a potential violation of this policy from the Coordinator or the Chief Administrative Officer.

Senior Administrators. Under this policy, Senior Administrators include: the Principal (when a respondent is a student, faculty member or the Chief Administrative Officer); the Chief Administrative Officer (when a respondent is a staff member, resident, volunteer or visitor to the College); the Board (when the respondent is the Principal). Where the Senior Administrator is the Board, the full Board shall be notified as soon as possible and a process determined by the Board.

These individuals (or their designates) are responsible for:

- Determining when a formal investigation will occur;
- Directing and overseeing formal investigations.
- Promoting this Policy and ensuring it is communicated to employees, students, and residents.

The Coordinator. The Coordinator is designated by the College to act as a central resource to anyone choosing to access their services and to provide all members of the College community with consultation, advice and assistance in resolving or investigating issues of alleged harassment. The College names the Coordinator on an annual basis.

The Coordinator will report to the Chief Administrative Officer regarding employee complaints or issues, and to the Principal when issues involve students. Specific duties include, but are not limited to, assessing complaints and incidents, advising regarding an appropriate course of action, informal resolution and conducting formal investigations, as requested by an authorized College Official.

The role of the Coordinator does not involve adjudicating cases or assigning discipline.

6. Prevention and Seeking Help

Everyone can take action to help prevent harassment.

- Treat others with respect, even if you don't agree with their values or opinions.
- Take action to resolve problems early.
- If you find someone's behaviour problematic, let the person know how you feel and ask him or her to stop the behaviour.
- Be sensitive to the impact that your words and actions have on others and be willing to modify your behaviour.
- Consider apologizing if your words or actions have had a negative impact on someone.

If you feel you are being harassed

- **SAY NO:** whenever possible, tell the offending party that his or her behavior is unwelcome and that you want it to stop.
- **KEEP A RECORD:** Write down the details of incidents and how they were handled.
- **SEEK HELP:** Contact the appropriate College Official or the Coordinator for a confidential consultation.

Reporting Complaints

Reports and complaints of harassment can be resolved using informal and/or formal procedures.

Informal approaches: focus on resolving the problem as opposed to determining right or wrong or taking disciplinary action. This type of resolution may include consultation, raising the matter directly with the offending party or mediation.

Formal approaches: focus on establishing the facts and implementing corrective and/or disciplinary action. These approaches, which include formal investigations, grievances and procedures for resolving student complaints and appeals, are typically used to address incidents that involve reports or allegations of serious misconduct, ongoing patterns of inappropriate behaviour or situations where the facts for a case are not clear.

When reported, the College Official will provide a confidential consultation to assess complaints or incidents, determine whether they fall under this policy and outline options for resolution. Generally, the options for resolution are:

1. not to pursue the complaint;
2. to ask the Coordinator to facilitate a resolution or resolve the matter informally;
3. to request a formal investigation under this Policy;
4. to resolve the issue directly or address it using another process or any other remedy available at law.

Time Limits for Reporting and Addressing Complaints. Barring exceptional circumstances, to be considered under this Policy, a report or complaint must be made within two years of the occurrence of the alleged incident(s). Complaints of harassment will be given a high priority, and every reasonable effort will be made to address them in a timely manner. Timelines in this policy are intended to serve as guidelines and will be followed to the extent possible.

Personal Support

Complainants and respondents are encouraged to seek emotional support and pastoral care during all phases of reporting and resolution.

Informal Resolution or Mediation Sought

Step 1

An individual reports an incident or concern to the Coordinator or College Official. The complaint should be recorded in writing in a form consistent with the harassment complaint form attached to this policy.

Where an informal resolution is sought, the complainant should indicate the type of resolution and resolution process sought. Examples include an apology, supervisory counselling, a facilitated meeting with the respondent, workshops or training sessions and mediation.

Step 2

The person receiving the complaint reviews the complaint procedures with the complainant and informs the appropriate College Official. The College Official will meet privately with the respondent to review the complaint and determine whether there is an agreement on a resolution or a resolution process.

Step 3

Where there is agreement between the complainant and respondent on the resolution or resolution process to be used, the College Official facilitates the agreed upon resolution or resolution process.

Step 4

The complainant is informed that a formal complaint procedure is possible if the complainant, the respondent or the College Official do not agree on a resolution process, or if the resolution process does not resolve the matter to the complainant's satisfaction.

Step 5

Where the complainant and respondent agree to a resolution, the College Official follows up with the complainant to ensure the agreed upon resolution was effective in stopping and preventing further harassment. Where the complainant indicates that the harassment has not ended, the College Official counsels the complainant to pursue an alternate resolution process, including a formal investigation.

The informal resolution shall be completed and/or the decision to pursue a formal investigation shall be made within 30 working days from the date the initial complaint was filed.

Formal Investigation Required

Step 1

An individual reports an incident or concern to the Coordinator or College Official. The complaint should be in writing, dated and contain:

- Name and job title/position/nature of involvement with St. Andrew's College of the complainant and contact information
- Name and job title/position/nature of involvement with St. Andrew's College of the respondent and any available contact information
- Description of the conduct, display or events considered objectionable, including dates and location of events
- Names and contact information of any possible witnesses
- Description of the basis of the alleged harassment, such as the prohibited grounds
- Remedy sought
- Other information or material the complainant considers relevant
- Signature of the complainant

A copy of the complaint must be filed with the Chief Administrative Officer responsible for human resources, unless the CAO is the alleged respondent, in which case it is to be filed with the Principal.

Step 2

The College Official or Coordinator who receives the complaint reviews the complaint procedures with the complainant and provides a written copy of the complaint to the respondent and reviews the complaint procedures with the respondent.

Step 3

The College Official or Coordinator who receives the complaint will review the complaint and determine whether conduct of the respondent falls within the harassment prevention policy and whether there are appropriate resolution options other than investigation acceptable to the complainant and the respondent. Should a formal investigation be required, the Senior Administrator shall direct and oversee the investigation and may assign a person or persons to assist in carrying it out. Where the respondent is the Principal, the Board should consider whether to appoint an external investigator.

Step 4

Investigators must act under these guidelines:

- The investigation commences and concludes as soon as reasonably possible
- Witnesses are interviewed separately and written witness statements are prepared
- Witnesses are asked to review and sign their written statements
- Witnesses are advised to keep the investigation and the identity of the complainant and respondent in confidence, unless they are required to disclose them by law
- The complainant and respondent may be accompanied by legal counsel during the interview and investigation process
- During the investigation process, both the complainant and the respondent are entitled to be informed of all the allegations made against them and allowed the opportunity to make full answer and defense. This does not mean that either party may see or receive copies of the complete statements. However, both are entitled to see or receive an adequate summary of the evidence to make a full answer and defense.

Step 5

Once the investigation is complete, investigators will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, the conclusions on the facts and reasons for reaching those conclusions, as well as the recommended corrective action where harassment has been found to have occurred.

The investigator's report will be delivered to the appropriate Senior Administrator and Coordinator, the complainant and the respondent. The report is marked as confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action or other legal remedies.

The investigation, including the investigation report, will be completed within 45 working days of the time that the respondent was notified that an investigation would be conducted.

Step 6

The College Official will then:

- provide the complainant and respondent with a written summary of the findings and offer them ten working days to submit a written response. Any responses received will be considered in making the final decision.

- within 10 working days after the period for providing additional submissions has elapsed, prepare a written decision, determining whether on the balance of probabilities violating the College's policy has occurred and any disciplinary or remedial action to be taken.
- Inform the complainant, the respondent and Coordinator of the written decision.

Step 7

After the corrective action has been taken, the College Official follows up with the complainant to ensure that the corrective action was effective in stopping and preventing harassment. If the complainant indicates that harassment has not ended, or suffers reprisal because of making the complaint, the College Official should take additional or alternative corrective action to resolve the complaint. Further investigation may be necessary.

7. Special Circumstances

Where more than one complainant alleges harassment against the same respondent, each complainant must submit a separate written complaint and each will be investigated individually.

Where one complainant alleges harassment against multiple respondents, the senior administrator will decide whether to treat the complaint as a single complaint.

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law.

Where criminal proceedings are forthcoming, St. Andrew's College will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

8. Appeals and Other Options for Complainants

There is no appeal procedure under this policy.

Decisions made about disciplinary action taken due to findings of harassment cannot be appealed under this policy.

Nothing in this policy prevents or discourages one from referring a harassment complaint to the Saskatchewan Occupational Health and Safety Division under The Saskatchewan Employment Act and regulations.

One may also file a complaint with The Saskatchewan Human Rights Commission under the Saskatchewan Human Rights Code.

One also retains the right to exercise any other legal avenues available.

Harassment Complaint Form

Name of Complainant: _____ Position: _____

Work #: _____ Home #: _____ Cell #: _____

Complainant's Supervisor: _____

Name of Person against whom this complaint is made: _____

Position: _____

Describe the incident(s) or event(s) that is the basis of this complaint: (Indicate dates and location of events):

Type of Harassment Being Alleged: Personal ___ Sexual ___ Harassment based on:
race or perceived race ___ creed ___ religion ___ colour ___ sex ___ marital status ___
disability ___ age ___ nationality ___ ancestry or place of origin ___ sexual orientation ___
family status ___ receipt of public assistance ___ physical size or weight ___

List names of possible witnesses:

Name	Position	Contact (phone)
_____	_____	_____
_____	_____	_____
_____	_____	_____

What type of resolution do you seek? (ie: counsel conduct; facilitated meeting with respondent; apology; workshops or training sessions; mediations; or other)

I hereby confirm that the statements contained in this complaint are true to the best of my knowledge. I understand that the relevant issues of this complaint will be provided to _____ (respondent) for the purpose of investigating this complaint.

Date

Signature of Complainant

I acknowledge receipt of this complaint:

Date

Signature of College Official