

RENISON UNIVERSITY COLLEGE POLICY ON HARASSMENT AND DISCRIMINATION

I. GENERAL PRINCIPLES

Renison University College aims to create an environment of tolerance and respect and believes that the right of individuals to advance their views openly and responsibly must be upheld throughout the College and the wider University community. The realization of these objectives requires respect for the following general principles.

- A. That each member of the College endeavours to contribute to the existence of a just and supportive community by treating others with sensitivity, respect and civility.
- B. That the College supports academic freedom which in this policy refers, not to the persons involved but to the nature of what they are free to do. "Academic freedom" means the freedom to study, teach, publish, debate and evaluate, independent of current opinion, subject to commonly accepted scholarly standards.

Academic freedom does not require neutrality on the part of the individual. Rather, academic freedom makes intellectual commitment and inclusion possible. At the same time, academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge.

Academic freedom is reciprocal within academic relationships; for example, between teacher and student, colleague and colleague. Both parties to any academic relationship have the right to academic freedom, and the exercise of one person's rights must not infringe on the rights of the other.

Members of the academic community are responsible and individually accountable for their actions, findings and statements. In protecting academic freedom, the College is not assuming that responsibility which is properly the responsibility of its members.

- C. That no member of the College community (member of the Board of Governors, faculty, staff, student) unduly interfere with the study, work or working environment of other members of the College and the wider University community. This shall be taken to apply to the campus of the College and official off-campus functions of the College, such as course- or program-related field trips.
- D. That services, benefits, opportunities, and facilities offered by the College be compatible with the purposes of the institution and be provided to all persons with the relevant qualifications and entitlement in the College community.

II. SPECIFIC PRINCIPLES

- A. Renison University College desires to create a study and work environment which supports, nurtures, and rewards its members on the basis of such relevant factors as work performance and achievement. Harassment and discrimination are inimical to this environment and are expressly prohibited by the Ontario Human Rights Code. The Ontario Human Rights Code provides that it is an offence to discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin (including language, dialect, or accent), citizenship, creed, sex, sexual orientation, disability, age, marital status, family status, the receipt of public assistance and record of offences. These are referred to as "prohibited grounds".
- B. Each member of the campus community is responsible for helping to create an environment which is harassment and discrimination free, as both work and learning can best be accomplished in an environment of understanding and mutual respect for the dignity and rights of each individual.
- C. Without limiting the generality of Section I above, the following actions or practices shall be taken as violations of this policy, and will be dealt with appropriately in accordance with the procedures outlined below. The actual determination of any violation of this Policy can be made only in the context of the facts of a particular case, in accord with fair procedures.

a) Harassment

For the purposes of this policy, harassment is defined, in the Ontario Human Rights Code as follows:

““Harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.”

Harassment can constitute a discriminatory practice under applicable human rights laws where the objectionable conduct or comment relates to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.

Behaviour giving rise to a complaint of harassment does not need to be intentional in order to be considered harassment. The key factor is how the recipient reasonably perceives the behaviour.

Examples of harassment include, but are not limited to:

- i) objectionable remarks, innuendos or taunting about a person in relation to his or her racial or ethnic background, colour, place of birth or any other prohibited grounds of discrimination;

- ii) refusal to converse or work cooperatively with a person because of racial or ethnic background or any of the other prohibited grounds of discrimination;
- iii) insulting gestures, graphics or jokes based on a person's sex or sexual orientation or any prohibited grounds that cause embarrassment or discomfort.

Harassment may occur over one incident, or over a series of related or unrelated incidents.

Harassment does not include actions taken by administrative or supervisory staff who are exercising their supervisory rights and responsibilities in good faith. Performance reviews, work evaluations and disciplinary measures taken by the College for any valid reason and in good faith do not constitute harassment.

The definition of harassment is not intended to preclude legitimate classroom discussion on issues related to the prohibited grounds.

b) Sexual Harassment

For the purposes of this policy, sexual harassment means any unwelcome conduct, comment, gesture or contact of a sexual nature that is likely to cause offense or humiliation, or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or student role or on any opportunity for promotion, evaluation or training or any other benefit or advancement within Renison University College.

Sexual harassment includes, but is not limited to, sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

- i) submission to such conduct is made either implicitly or explicitly a condition of employment or student role;
- ii) submission to or rejection of such conduct is used as a basis for any employment or assessment decisions such as promotions, salaries, performance evaluations, separation affecting the employee or grade submissions for students;
- iii) such conduct has the purpose or the effect of unreasonably interfering with the employee's or student's work performance or creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment would include, but are not limited to:

- i) requests for sexual favours;
- ii) unwelcome remarks, emails, voice mails, written materials, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations;
- iii) verbal abuse or threats of a sexual nature;
- iv) leering, staring or making sexual gestures;
- v) display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons, sayings or email;
- vi) unwanted physical contact such as touching, patting, pinching or hugging;
- vii) intimidation, threat or actual physical assault of a sexual nature;
- viii) sexual advances with actual or implied work or student role related consequences.

This definition of sexual harassment is not intended to inhibit interactions or relationships based on mutual consent or normal social contact between members of the Renison community. Nor is it to preclude legitimate classroom discussion on topics of a sexual nature.

c) Personal Harassment

For the purposes of this policy, personal harassment means any objectionable, unwelcome conduct or comment that serves no legitimate work or education related purpose and has the effect of creating an intimidating, humiliating, threatening or hostile work environment.

Examples of personal harassment could include, but are not limited to:

- i) threats, bullying, coercion;
- ii) actual or threatened physical assault;
- iii) verbal assault, taunting or ostracizing;
- iv) malicious gestures or actions.

d) Discrimination

For the purposes of this policy, discrimination is defined, in the Ontario Human Rights Code as follows:

““Discrimination” means the differential treatment of an individual or group that is based not on individual or group performance, but on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.”

Every person has the right to equal treatment with respect to services, goods and facilities, occupancy of accommodations and employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.

Discrimination is any action or behaviour related to the prohibited grounds, which denies or has the effect of denying persons with the relevant qualifications any services, benefits or opportunities, provided by the College.

Discrimination includes any act whether oral, written, electronic or non-verbal, and which lacks any redeeming artistic, intellectual or literary merit and which promotes disrespect or intolerance for any person(s) based on the prohibited grounds.

This definition of discrimination is not intended to preclude legitimate classroom discussion on issues related to the prohibited grounds or affirmative action to increase the diversity of the Renison community.

e) Poisoned Environment

“Poisoned Environment” means comments or conduct related to the prohibited grounds and of a significant nature or degree that creates ill will, enmity, or malice for individuals or groups. It includes comments or conduct that creates and maintains an offensive, hostile or intimidating climate for work, study or living. Examples of a poisoned environment may include, but are limited to, graffiti, cartoons, signs, remarks, exclusion and adverse treatment related to one or more of the prohibited grounds.

f) Systemic Harassment/Discrimination

“Systemic Harassment/Discrimination” means policies, practices, procedures, actions or inactions that appear neutral but have an adverse impact associated with one of the prohibited grounds.

g) Vexatious Complaint

“Vexatious Complaint” means a complaint made with the intent to be retaliatory in nature and/or intended to annoy or to damage the reputation of the person to whom it is directed. This concept is not to be confused with a complaint that is found to be without merit, but was made in good faith.

III. COVERAGE

This policy, within the work/study environment, shall apply to:

- A.
- (a) academic staff
 - (b) non-academic staff
 - (c) all students registered, studying, or residing at Renison University College
 - (d) members of the Renison Board of Governors
 - (e) members of standing and ad hoc committees established by the College
 - (f) members of societies and associations which are under the authority of the Board.
- B. If an individual is of the opinion that she/he has been subject to behaviour which may constitute discrimination and/or harassment by someone who is not subject to the authority of the Renison University College Board of Governors, that individual should be advised that a remedy for such alleged wrongful behaviour may be available under the provisions of the Ontario Human Rights Code.

IV. REMEDIES

A. *Harassment/Discrimination Officer*

1. *Appointment:* The Principal will appoint a Harassment/Discrimination Officer for the College for a three year term. Qualifications for the position should include a high degree of personal integrity, excellent interpersonal skills, and sound knowledge of the issues involved. The Principal is not eligible to serve as the Harassment/Discrimination Officer.
2. *Terms of Reference:* The Harassment/Discrimination Officer
 - (a) is responsible for implementing the College's policy and procedures
 - (b) endeavours to ensure that the College community is informed about harassment, sexual harassment and/or other forms of discrimination on prohibited grounds, and their consequences. This duty will be carried out with the assistance of a Harassment/Discrimination Committee (Section B) and includes:
 - making sure that this policy or a summary of it is disseminated to the College community and to every new student, employee, or contractor

- organising regular workshops and/other events designed to educate the College community about harassment and discrimination
 - responding on behalf of the College to discriminatory incidents of concern to the College community
 - ensuring that managers, supervisors and others in authority are aware of their rights and responsibilities under the policy and the Ontario Human Rights Code and of the various internal and external complaint procedures available
- (c) provides the first official contact in allegations of harassment or discrimination
- (d) functions as an impartial Officer to either or both parties in an allegation of harassment or discrimination. Duties include:
- to counsel and/or refer to other support services
 - to assist either or both parties in determining the basis for a complaint of harassment or discrimination
 - to advise either or both parties of the options available through College policy and under the Ontario Human Rights Code.
- (e) co-ordinates a resolution process in cases of harassment, sexual harassment or discrimination, including receipt of formal statements and responses from both parties, and, if necessary, the choice of a mediator acceptable to both parties
- (f) acts as liaison with related authorities at the University of Waterloo
- (g) maintains files concerning all reported cases. These files are confidential except where disclosure is required by this policy or the law and shall not be destroyed until the expiration of any legal limitation period, not to exceed ten years.
- (h) keeps pertinent statistics concerning matters of harassment and discrimination at Renison University College and reports these annually to the Principal and the Harassment and Discrimination Committee Chair for reporting to Academic Council and to the Board of Governors.

B. Harassment/Discrimination Committee

A standing committee of the Renison University College Academic Council will be established for a one year term to:

1. assist the Harassment/Discrimination Officer in providing an educational program for the College (Section A. 2. (b));
2. participate in the Formal Resolution Process (Section I.3).

Constitution: The Committee will consist of the Harassment/Discrimination Officer (ex-officio), one (1) staff, two (2) full-time faculty, one (1) part-time faculty, one (1) representative from Renison Academic Student Council (non-Academic Council), and one (1) representative from the Bachelor of Social Work Student Council (non-Academic Council). The staff person, faculty members and

the students are appointed by the Renison University College Academic Council for one (1) year terms. The Chair is to be elected by the Committee membership from within the Committee.

C. *Principles*

1. *Fairness*: Procedures under this policy are to be guided by the principle that all parties be treated in a spirit of fairness:
 - (a) both parties have the right to a compassionate as well as an impartial hearing, and to seek remedies for any wrong that may have been done
 - (b) the person cited in a complaint has the right to know both the allegations and the identity of the complainant, and the right to respond to the complaint(s) within the process described in this Policy
 - (c) complaints will be dealt with expediently and effectively.
2. *Initiative*: At each stage of the process, the initiative rests with the complainant. No action will be taken without her/his consent, notwithstanding the proceedings under Section J of this policy.
3. *Process*: Wherever possible, complaints of harassment and/or discrimination will be resolved through the Informal Resolution Process (Section G). All complaints must go through the office of the Harassment/Discrimination Officer. Generally, the Formal Resolution Process will be initiated only after an Informal Resolution Process has been attempted and has failed.
4. *Confidentiality*: Strict confidentiality must be maintained by all parties at all stages of the process and at the conclusion of the process, except where disclosure is required by this policy or the law.
5. *Natural Justice*: All procedures followed under this policy shall be guided by the paramount need to ensure that complainants, respondents, and witnesses are treated according to the principles of natural justice. Every effort will be made to safeguard the rights of both complainant(s) and respondent(s).

D. *Complaint Procedure*

Several options are available to members of the Renison community who believe they have been subjected to harassment or discrimination at the College. Nothing in the policy and procedures established by Renison University College concerning harassment and discrimination prevents an individual from pursuing his or her rights under the Ontario Human Rights Code or from seeking legal representation. Should the complainant commence proceedings before the Ontario Human Rights Commission or in the courts, proceedings under this policy will be suspended until the other proceedings are concluded. If a proceeding before the Ontario Human Rights Commission or in the courts makes a determination of the complaint on its merits, no further proceeding may be taken under this policy.

E. *Direct Action*

Members of the Renison community who believe they have been harassed or have been the subject of discrimination are encouraged to raise the concern directly with the individual responsible for the alleged misconduct, make it known that the conduct or comment is unwelcome and that they wish it to stop immediately. Members of the Renison community are further encouraged to keep a detailed record of the alleged harassment or discrimination, including dates, times, locations and witnesses.

Members of the Renison community who believe they have been harassed or have been the subject of discrimination and have unsuccessfully tried to deal with the individual responsible for the alleged misconduct or feel that a direct approach is difficult or inappropriate, are encouraged to take action as outlined in Section F.

F. *Initiating the Complaint*

1. At any stage of the proceedings the complainant and/or the respondent may be accompanied by a support person of her/his choice, but this person shall not be legal counsel.
2. In order to initiate a proceeding, an incident of harassment or discrimination normally should be communicated to the Officer as soon as possible and within six (6) months after the alleged harassment or alleged discriminatory practice occurred. In exceptional circumstances, the Officer may agree to initiate proceedings although the six month period has elapsed. Exceptional circumstances would include things such as fear on the part of the complainant and mental and/or physical health concerns. The Harassment/Discrimination Officer will inform the Principal and Committee Chair that an incident of harassment has been communicated to them.
3. Within two (2) weeks of the initial consultation with the Officer, the complainant may elect to:
 - (a) take no further action
 - (b) speak directly to the respondent
 - (c) write a letter of complaint to the respondent
 - (d) attempt to have the matter resolved informally with the help of the Harassment/Discrimination Officer (Section G).
 - (e) at the discretion of the Harassment/Discrimination Officer, and with the agreement of the complainant, the complainant may proceed directly to Formal Resolution Process (Section I).

The complainant can withdraw her/his complaint at any time. Upon becoming aware of any incident which may fall under the definition of harassment or discrimination, nothing precludes the College from deciding that it may be necessary to take appropriate action, even if the complainant does not wish the matter to proceed. In the event that the College decides to proceed, the

complainant will be notified.

G. *Informal Resolution Process*

1. The complainant will give the Harassment/Discrimination Officer a written statement of the complaint, including, if possible, dates, times, places and people involved.
2. Within one (1) week of the receipt of the above document, the Harassment/Discrimination Officer will write a summary of the complaint. The summary will be presented to the respondent by the Officer.
3. Within one (1) week of the receipt of the summary, the respondent may present a written response to the complaint to the Harassment/Discrimination Officer. Within one (1) week of the receipt of the written response to the complaint, the Officer will write a summary of the response. The summary will be presented to the complainant by the Harassment/Discrimination Officer.
4. Within three (3) weeks of notification to the respondent, the Harassment/Discrimination Officer will discuss the complaint with both parties. She/he may then either personally attempt to effect a resolution that is fair and acceptable to both parties, or appoint a mediator to do so through a process of mediation outlined in Section H.
5. If a resolution is reached, both parties will sign a statement to that effect which will be filed with the Harassment/Discrimination Officer. No further action will be taken, unless one or both of the parties fail(s) to comply with the terms of the resolution.
6. If the Informal Resolution Process fails, the complainant shall decide within one (1) month whether to withdraw the complaint or proceed to the Formal Resolution Process.
7. If, after investigation, the Harassment/Discrimination Officer determines that a complaint is frivolous, vexatious or in bad faith, she/he will advise the complainant, the respondent and the Principal that no further action will be taken by the Officer. The Principal will have recourse to the range of sanctions as outlined in I. 3. below.
8. The time frame specified in Section G is meant to be strictly adhered to. However, where circumstances necessitate delay, the time may be extended, and all parties will be promptly and fully informed.

H. *Mediation*

All complainants shall be encouraged by the Harassment/Discrimination Officer to

explore the possibility of mediation before moving to the Formal Resolution Process. As mediation is voluntary, the complainant and/or the respondent may choose not to participate.

With the agreement of both the complainant and the respondent, the Harassment Officer will informally mediate the allegation at the earliest possible stage. During mediation, either party may be accompanied by a friend or colleague subject to the same confidentiality requirements as the complainant and respondent, but this person shall not be legal counsel. One week prior to the mediation, both parties must disclose: 1) if they plan to have someone accompany them and, if yes, 2) the name of the individual, and 3) their expected role in the mediation.

During mediation, both parties are expected to deal with the Harassment/Discrimination Officer in a full, frank and honest way in the hope of resolving their differences.

The Harassment/Discrimination Officer may terminate mediation at any time he/she feels that mediation has no reasonable prospect of resolving the dispute.

In mediating an allegation, the Harassment/Discrimination Officer will endeavour to work out a settlement agreement, which specifies the actions to be taken by both parties.

The Harassment/Discrimination Officer will report in writing to the Chair of the Harassment and Discrimination Committee, without further detail or reasons, that:

- i) the allegation has been withdrawn; or
- ii) mediation has been successful, a settlement agreement signed, and the settlement agreement is being or has been implemented; or
- iii) mediation has not resulted in an agreement to resolve the dispute and has been terminated; or
- iv) mediation has no reasonable prospect of success and is terminated.

I. *Formal Resolution Process*

1. Within one (1) week of the decision to proceed to Formal Resolution Process, the Harassment/Discrimination Officer will report the particulars of the case to the Chair and will provide him/her with all pertinent documentation.
2. Within one (1) week the Chair will:
 - (a) inform both parties in writing that formal proceedings have been initiated. If the informal process has not preceded a formal complaint, the Harassment/Discrimination Officer will provide a summary of the complaint to the Chair, who will also inform the respondent of the allegations, the identity of the complainant, and the right to respond to the

- complaint(s), in accordance with Principle C 1.(b).
- (b) convene the Harassment/Discrimination Committee. The Harassment/Discrimination Officer will be present at all proceedings and will serve as a non-voting member to provide the Committee with information concerning the case. The Chair is non-voting and only votes in the event of a tie. Members of the Committee will be asked to declare any perceived conflict of interest to the Committee Chair. In case of an actual or potential conflict of interest any member of the Committee may withdraw or be asked to withdraw, and the Chair will appoint a replacement.
3. Within a reasonable period of time, the Committee is to determine by majority vote, whether harassment, sexual harassment, or discriminatory behaviour has occurred and to make recommendations to the Principal concerning action to be taken. In order to achieve this, the Committee may seek legal counsel with the consent of the Principal and/or interview either or both parties, who may be accompanied at the interview by a support person of their choice, but this person shall not be legal counsel. One (1) week prior to the interview, both parties must disclose; 1) if they plan to have someone accompany them and, if yes, 2) the name of the individual, and 3) their expected role in the interview. Where minority opinion exists within the Committee, the final recommendation may include a minority report(s) if desired by those holding the opinion. The recommendations of the Committee should be based on a range of sanctions which relate to the seriousness of the breach and to the respondent's relationship with the institution and may range from complete exoneration of the respondent to severe disciplinary action, but should not include publication of the name of respondent. If the complaint is related to work, established procedures for progressive discipline should be used.
- Examples of sanctions include, but are not limited to, verbal or written apology, written reprimand, barring contractors from future bids, barring from campus, transfer, demotion, suspension, mandatory training/education, dismissal or expulsion.
- The Committee may also recommend that any decision concerning the complainant which may have been affected by harassment or discrimination, for example, a grade, merit increase, or promotion, be reconsidered. A full range of redress options should be provided.
- Examples of redress include, but are not limited to, receipt of written apology, restoration of employment position or academic status, review of marking, provision of counselling.
4. Within one (1) week after the Committee has reached its decision, the Chair will inform the Principal and both parties, in writing, of the Committee's determination by majority vote whether harassment or discrimination has occurred. The Chair

will also inform the Principal, in writing, of the Committee's recommendations concerning action to be taken.

5. Within two (2) weeks either party may appeal the decision to the Principal.
6. At the end of the two (2) weeks, if no appeal has been brought forward, the Principal will determine, after considering the recommendations of the Committee, what action(s), if any, will be taken. Her/his decision concerning actions to be taken will be communicated, in writing, to both parties and to members of the Committee.
7. In the event of an appeal of the Committee's decision, the Principal will review the case. The decision of the Principal is final.
8. In instances where the Principal is a party to the complaint, or in a conflict of interest, the Executive Committee of the Board of Governors (excluding the Principal) will appoint a person or persons, including the possibility of a person from outside Renison University College, to exercise all the functions of the Principal under Sections G, I, and J of this policy, except that a replacement for the Principal will make a recommendation to the Executive Committee of the Board of Governors for its action.
9. In instances where the Chair is a party to the complaint, or in a conflict of interest, the Principal will appoint a person or persons, including the possibility of a person from outside Renison University College, to exercise all the functions of the Chair under Sections G, I and J of this policy, except that a replacement for the Chair will make a recommendation to the Principal for his/her action.
10. The time frame specified in Section G is meant to be strictly adhered to. However, where circumstances necessitate delay, the time may be extended, and all parties will be promptly and fully informed.

J. *Renison University College as Complainant*

1. If the Harassment/Discrimination Officer detects evidence of repeated behaviour by an alleged harasser in incident reports that have not resulted in official proceedings against that individual, the Harassment/Discrimination Officer will communicate with the persons who reported the incidents to determine their willingness to provide testimony if the administration of Renison University College were to proceed on their behalf against the alleged harasser.
2. The Harassment/Discrimination Officer will provide the Principal with the names of witnesses who agree to testify and any incident reports relating to possible testimony. The Chair will determine within a reasonable period of time whether Renison University College will initiate a complaint against the alleged harasser.

3. The Principal will inform the Harassment/Discrimination Officer of the decision to proceed with the complaint. Proceedings will be undertaken against the alleged offender, as with any other respondent, under Sections G and I of this policy, except that in this case the Principal will act as complainant on behalf of Renison University College and her/his functions under this policy will be exercised by a replacement chosen by the Executive Committee of the Board of Governors as in Section I.8.

K. *Reprisals*

1. Against persons making a complaint
 - (a) Retaliation or reprisals, or threats of reprisals, against anyone pursuing her/his rights under the policy, or having co-operated in an investigation, or having been associated with someone pursuing rights, or acting in any role under the policy/procedure shall be treated as prohibited harassment and/or discrimination. Moreover, harassment and discrimination are exacerbated where:
 - i. Submission to such conduct is made or threatened, explicitly or implicitly, to be a term or condition of an individual's employment, academic status, or accreditation;
 - ii. Submission to, or rejection of, such conduct is used or threatened to be used as a factor in employment, academic status, grade, accreditation, or other decisions affecting an individual, or as the basis for any other form of disadvantage or reprisal.

L. *Confidentiality*

The College understands that it may be difficult to come forward with a complaint of harassment or discrimination and recognizes that a complainant and/or a respondent will wish to keep the matter confidential. To protect the interests of the complainant, the person complained against and any others who may report incidents of harassment and discrimination, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances and as permitted by law.

All records of complaints, including minutes of meetings, interviews, results of investigations and other relevant material will be kept confidential by the designated authority except to the extent that disclosure is necessary to conduct an investigation and/or to take remedial and/or disciplinary action in relation to the complaint.

The complainant will be informed that under the terms of this policy, the process can only guarantee limited confidentiality.

M. *Fact Finding*

For the purposes of an inquiry as part of the Formal Resolution Process, the Harassment and Discrimination Committee will have all documents, statements and access to person(s) and other information or materials available which the parties to the complaint wish to present. In addition, the Harassment and Discrimination Committee may request further access to person(s), documents or material during the course of their investigation with respect to the complaint. A report of the fact finding shall be provided to the Principal (or his/her designate) and copies of the report will be forwarded to both the complainant and respondent.

N. *Legal Assistance*

Should the need arise, the Chair of the Harassment and Discrimination Committee may, either generally, or within the context of a specific complaint, seek legal assistance from Renison University College's legal counsel with the consent of the Principal on the meaning and operation of this procedure and their role and obligations under it.

O. *Interim Solutions*

The complainant, respondent, or unit may require immediate measures to preserve safety and/or protection from threatening circumstances while a situation is being resolved, investigated, or decided.

P. *Off-Campus Placement*

- a. Each department which regularly places students with off-campus organizations should formalize procedures in the event of claims of harassment and/or discrimination in an off-campus work setting.
- b. These procedures must allow for clear and consistent response to reports of harassment and/or discrimination on the part of those who oversee the academic and/or work opportunity.
- c. These procedures must be made available to every student who will be placed in an off-campus organization as part of a co-operative work program, a field placement, or volunteer service undertaken to fulfill a course requirement.
- d. If an individual wishes to pursue a harassment and/or discrimination complaint against a student of Renison University College as a result of actions which occurred during an off-campus placement, such individual would have the right to make use of the Renison policies and procedures.

Q. *Counselling*

All parties will be encouraged to obtain counselling, recognizing the serious impact that harassment and discrimination has on an individual's psychological well-being. The College will assist in any way deemed reasonable at the request of either party.

R. *Relations with the Media*

In the event that, at any stage of the complaint process, a complaint attracts media attention, the Principal or his or her designate shall inform the media that a policy of confidentiality precludes Renison University College from confirming or denying the existence of a complaint until the matter has been resolved.

V. **DATA COLLECTION AND CONTROL OF ACCESS**

The gathering and storing of data related to complaints of harassment and/or discrimination will be the responsibility of the Harassment/Discrimination Officer. Access will be limited to the individuals who are involved with specific complaints and respondents as dictated by the College's policy and procedures. The Harassment/Discrimination Officer will provide an annual report to the Principal on the number and disposition of all complaints heard and resolved. In addition, a report is to be submitted annually to all campus constituencies on a "need to know basis", the Minister of Education and Training, and the Ontario Council on University Affairs.

Record Keeping: Informal Resolution Process and Mediation

The Harassment/Discrimination Officer will keep sufficient confidential notes as are necessary to conduct the Informal Resolution and/or Mediation processes. These will be kept locked in a secure place until such time as the processes are concluded. At the conclusion of the processes, these notes will be kept for ten years in a confidential file by the Office of the Principal and destroyed if no further reports have been filed.

Where mediation has resulted in an agreement, the settlement agreement and all files or records relating to the allegation, will be retained by the Office of the Principal for ten years, unless otherwise stipulated by the agreement.

Record Keeping: Formal Resolution Process

The Harassment/Discrimination Officer will be responsible for keeping all official records during the course of the Formal Resolution Process. At the conclusion of the Formal Resolution Process, any written records associated with the Formal Resolution Process will be maintained in a confidential file in the office of the Principal for ten years and kept locked in a secure place. If it is determined that the allegations of harassment or discrimination are substantiated, information related to any disciplinary action taken will be placed in the respondent's file for ten years.

At the conclusion of an inquiry a summary of the complaint, the finding, the action taken and all other documentation relating to the complaint should be kept in a confidential file with access restricted by the Principal. If a complaint is subsequently lodged with an external body, records may need to be accessed in order to demonstrate that reasonable steps were taken to deal with the matter.

All written records shall be held by the Harassment and Discrimination Officer during his/her term of office and transferred to subsequent Harassment and Discrimination Officers in compliance with the terms and conditions for record keeping outlined.

Retention of Documents Under the Policy

1. Where a disciplinary letter and supporting documentation is retained, the material shall be placed in a sealed file kept by the Office of the Principal. The file shall have a code on its exterior to identify the contents. The Principal shall maintain a separate secure confidential file, which relates the code to a description of the contents of the sealed file in sufficient detail to identify the nature of the abusive behaviour that led to the creation of the file. No person other than the Principal and the Respondent shall have access to the sealed file (subject to 3).
2. Where the Principal, upon review of the contents of the sealed file, believes that the contents may be relevant to determining the validity of allegations that the Respondent is currently engaging in a pattern of harassment, discrimination, or other abusive behaviour, and if the College subsequently initiates disciplinary action against the Respondent partly on the basis of evidence contained in the sealed file, such evidence may be reviewed by the parties to the disciplinary process, and the parties to any grievance or arbitration proceeding which may challenge such disciplinary action.
3. No copies of any document contained in the sealed file may be made, except for the purpose of disciplinary actions taken in accordance with Part 2 of this Section, or for the purposes of grievance and arbitration proceedings challenging such actions.
4. Notwithstanding Parts 1-2 of this Section, any disciplinary letter and supporting documents retained by the College in accordance with those subsections shall be removed from the sealed file and destroyed if no further disciplinary measures have been imposed on the Respondent on grounds of harassment, discrimination, or other abusive behaviour for a period of ten years subsequent to the date of such letter.

VI. POLICY AND PROCEDURE REVIEW

The College's Harassment and Discrimination Policy will be reviewed on a regular basis by the

Harassment and Discrimination Committee, which will make recommendations to Renison University College Academic Council and ultimately to the Board of Governors for changes in the policy or procedures.

Notes added by Lisa Kessig on March 9, 12:

The Policy draft was approved in principle by Renison's Academic Council on October 8, 2010.

The Policy was approved by the Board of Governors of Renison University College on March 1, 2012.