

Workplace Harassment Prevention Program

March 2024

Carleton University: committed to respect and safety in the workplace

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Introduction

Carleton University is committed to the protection of the health, safety, and wellbeing of all members of the University community. As such, the University will take all precautions reasonable to provide and maintain a respectful learning and working environment that is free of harassment, including sexual harassment.

Workplace Harassment will not be tolerated in the workplace, and if identified, will be addressed immediately.

This document supplements the University policy entitled “Workplace Harassment Prevention” and outlines the responsibilities associated with this program. Further to consultation with the Joint Health and Safety Committee (JHSC), the program will be reviewed annually and revised as necessary.

I. Objectives:

1. To take every precaution reasonable in the circumstances to prevent Workplace Harassment.
2. To provide guidelines on:
 - How to develop and implement preventative measures
 - How to report Workplace Harassment
 - How confidentiality is protected
 - How an investigation into allegations of Workplace Harassment is conducted
 - How to follow-up on incidents
 - How investigation findings will be communicated to the alleged victim or perpetrator
3. To assist faculty and staff in addressing Workplace Harassment.

II. Application:

This program applies to all members of the Carleton University community, including Employees, Related Third Parties, and Students.

III. Policy, Standards and Legislation:

Workplace Harassment is prohibited and inconsistent with Carleton’s values. As such every member of the Carleton community must take action to prevent workplace harassment, and if aware of any instances of workplace harassment, report them immediately.

1. The University policy entitled “*Workplace Harassment Prevention*” states:

“Carleton University is committed to the protection of the health, safety and wellbeing of all members of the University community. As such, the University will take all precautions reasonable to provide and maintain a respectful learning and working environment that is free of harassment, including sexual harassment and online bullying. Harassment will not be tolerated in the workplace, and if identified, will be addressed immediately.”

2. The *Occupational Health and Safety Act* requires all employers to undertake a number of duties with respect to workplace harassment and workplace violence. These include and are not limited to:
 - a. Taking every precaution reasonable in the circumstances to protect Workers against Workplace Harassment, including workplace sexual harassment
 - b. Developing and maintaining policies on the prevention of workplace harassment and workplace violence.
 - c. Developing and maintaining a written program to implement the policies with respect to workplace harassment and workplace violence, to be reviewed annually, in consultation with the JHSC.
 - d. Ensuring an investigation that is appropriate in the circumstances is conducted into reported incidents and complaints of workplace harassment.
 - e. Ensuring the worker, and the alleged harasser, if they are a worker, is informed in writing of the results of the investigation and, to the extent possible, of any correction action that has been taken or will be taken as a result of the investigation.
 - f. Providing information and instruction (training) to all workers on the policy and the programs
3. The *Criminal Code of Canada* makes it an offence for a person to knowingly, or recklessly engage in conduct that causes a person to fear for their safety or the safety of anyone known to them.

IV. Definitions:

Workplace Harassment: Workplace Harassment as defined by the *Occupational Health and Safety Act* 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”;

Workplace Sexual Harassment: Workplace Sexual Harassment, as defined by the *Occupational Health and Safety Act*, means:

“Engaging in a course of vexatious comment or conduct against a Worker in a Workplace because of sex, sexual orientation, gender identify or gender expression, where the comment or conduct is known or ought reasonably to be known to be unwelcome” or

“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”.

The definition of Workplace Harassment is broader than Harassment as defined by the *Human Rights Code*.

Examples of Workplace Harassment under this definition may include but are not limited to:

- Unwelcome words or actions that are known or ought reasonably to be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers in a workplace
- Behaviour that intimidates, isolates, or discriminates against a worker or group of workers
- Repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace that are unwelcome. A single event can be considered if it is grave or harmful

This may include:

- making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- bullying;
- repeated offensive or intimidating phone calls or e-mails; or
- workplace sexual harassment.

Workplace Harassment does not include:

- Legitimate performance management
- Operational directives
- Exercising managerial duties
- Job assignments
- Inadvertent management errors
- Taking corrective or disciplinary action when justified

Act: “Act” is the *Occupational Health and Safety Act*, R.S.O. 1990, as amended.

Complainant: A “Complainant” is any person who is a member of the University Community who is making a complaint.

Contractor: A “Contractor” is an organization, partnership, or individual engaged by Carleton University to provide services to the University, either personally or with the assistance of other individuals.

Online Bullying: Deliberate repeated bullying or harassing behavior that uses the internet, social media, or other web related technology, such as email and text messages, experienced by an Employee or Student in the course of their duties

Intake Office: is the Unit responsible for handling the complaint. The Director, Labour Relations (Academic), Office of the Deputy Provost (or designate) is responsible for receiving complaints of harassment related to academic employees. The Director, Labour Relations, Human Resources (or designate) is responsible for receiving complaints related to professional services employees. The Associate Vice-President (Students Affairs and Student Life) (or designate) is responsible for receiving complaints of harassment related to students. In the case where the Respondent is both a student and an employee, the complaint may be submitted to either of these Office but will be jointly received.

Manager/Supervisor: is the person in a position of managerial authority over the Respondent or Complainant as applicable.

Related Third Party: Related Third Party includes a Contractor and the Contractor’s employees or subcontractors.

Respondent: A “Respondent” is any person who is a member of the University Community (including any employee whether covered by a collective agreement with the University or employed under an individual contract of employment), a Student, visitor or any person who is a volunteer, any one of whom is alleged to have engaged in Workplace Harassment as defined above.

University Community: “University Community” means all individuals who have a relationship with or to the University (or had at the time of the incident), including but not limited to:

- Students, meaning individuals registered as students at the University, whether full-time or part-time (including special students), at the noncredit, undergraduate or graduate level;
- All employees and faculty, including all unionized and non-unionized academic and professional staff as well as those whose salary is paid through sources other than the University’s operating funds, such as grants, research grants and external contracts;
- Persons with an academic appointment including but not limited to adjunct, visiting and emeritus professors, post-doctoral or clinical fellows, and research trainees;
- Contractors, consultants, suppliers or other entities engaged by the University to provide services or goods when on University property, or while acting in a capacity defined by their relationship to the University;
- Members of the Board of Governors, of the Senate, and any of their respective committees, as well as members of any advisory committee formed to help the University achieve its goals; and,

- Employees of both unionized and non-unionized employee and student groups when on University property or while acting in a capacity defined by their relationship to the University.

Visitor: A “Visitor” is any person who is not a Worker, a Student, or a Related Third Party who has occasion for any reason to visit the University campus.

Worker: A “Worker” is defined under the *Act*, *namely* a person who performs work or supplies services for monetary compensation. The definition of worker also includes A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled. a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution. For the purpose of this program and policy, the definition also includes any person recognized by Carleton University as a volunteer or a student.

Workplace: For the purposes of this program, the Workplace includes but is not limited to, the Carleton University campus, approved working remotely locations, locations of business travel and conferences, student placements, field trips, University sponsored social events, and any other place where workers are expected to fulfill their duties.

V. Roles and Responsibilities: Workplace Harassment

Shared Responsibility

To ensure the preservation of a productive, safe, respectful and peaceful learning and work environment:

- Everyone involved with Carleton University shares a responsibility to create and maintain an environment free of Workplace Harassment and to act respectfully towards one another.
- All those affected must work toward changing and resolving complaints.
- Anyone who witnesses Workplace Harassment is responsible for bringing it to the attention of his/her Manager/Supervisor and for participating in the investigation of the complaint.

University Responsibilities

Carleton University is responsible to develop, implement and maintain the Workplace Harassment Prevention policy and program. The Executive Director, Office of Risk Management , and the Director, Environmental Health and Safety are delegated this responsibility by the Senior Management Committee.

Program development will be a collaborative endeavor and the Joint Health and Safety Committee will be consulted.

The university is responsible to provide information to Workers on various support programs/mechanisms available to them (e.g. Employee and Family Assistance Program).

Management/Supervisory Responsibilities

Managers/Supervisors are responsible for understanding what constitutes harassing behaviour and conducting themselves in accordance with the spirit and intent of the program and policy.

Managers/Supervisors shall:

- Act respectfully and professionally in their interactions with all members of the University community.
- Communicate to all members of the University community that Workplace Harassment is not permitted and will not be tolerated or ignored.
- Demonstrate by leadership and action a commitment to the prevention of harassment by maintaining an environment free of Workplace Harassment.
- Communicate the principles of the “Workplace Harassment Prevention” program and policy and uphold its intent.
- Take the steps necessary to address any harassing behavior of which they are aware, regardless of whether a complaint has been filed.
- Take all complaints of Workplace Harassment seriously.
- Promptly, and diligently report any incident of Workplace Harassment.
- Ensure all workers are provided the opportunity for participation in education and training programs provided by the University, and that the training is completed, maintained up to date and understood.
- Provide information to Workers on various support programs/mechanisms available to them (e.g. Employee and Family Assistance Program).
- Keep detailed confidential records of any incident of Workplace Harassment or investigations and forward to the Intake Office as required.
- Participate in education and training programs as required.

Worker Responsibilities

Workers shall:

- Act respectfully and professionally in their interactions with all members of the University community.
- Serve as role models in the Workplace by promoting a Harassment free Workplace.
- Cooperate with the University in efforts to investigate and resolve matters arising under the program (the Worker may choose to request union representation in accordance with the applicable collective agreement and legislative requirements).

- Abide by the requirements of this program and applicable procedure(s).
- Report any incidents of Workplace Harassment that have been experienced or witnessed in accordance with the applicable procedure(s).
- Participate in education and training programs as required.

VI. Training

All Workers will be provided information and instruction on the contents of the Workplace Harassment Prevention policy and program. Training is mandatory and will be refreshed periodically. Further information about course offerings is available on the Learning and Development, and the Environmental Health and Safety websites.

VII. No Reprisal

Workplace Harassment is a serious matter. This program strictly prohibits reprisals against individuals who have made good faith complaints or provided information regarding a complaint or incident of Workplace Harassment.

Persons who engage in reprisals or threats of reprisals may be disciplined up to and including termination of employment.

Reprisal includes but is not limited to:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Harassment;
- Intentionally pressuring a person to ignore or not report an incident of Workplace Harassment; and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workplace Harassment.

Although false and frivolous accusations of harassment occur in rare instances, such false accusations are serious offences because they may have serious consequences.

The insufficiency of evidence to prove a complaint does not mean that the complaint was submitted in bad faith. A malicious or bad faith complaint means that a person who has made a complaint, made such a complaint when they knew or ought to have known that it was untrue.

A Worker who makes a false complaint or otherwise abuses this program may be disciplined up to and including termination of employment. Such discipline when justified is not a reprisal or breach of this policy or program.

VIII. Harassment by/of Students and Visitors

Harassment by/of Students

The University does not condone Workplace Harassment by or toward any student registered in a course or program of study at Carleton University (“Student”).

- A Worker who is subjected to harassing behaviour by a Student, should seek support from the appropriate Intake Office, who will refer the matter to the Associate Vice-President (Students Affairs and Student Life) or their designate for review. Harassing behaviour by a student will be addressed through the Student Rights and Responsibilities Policy.
- A Student who is subjected to harassing behaviour by a Carleton Worker should report it to the Worker’s Manager/Supervisor, if known, and who will engage the appropriate Intake Office. Alternatively, it can be reported to the Associate Vice-President (Students Affairs and Student Life) or their designate.

The University does not condone harassment by or toward Visitors.

- All members of the Carleton community should make it clear to visitors that harassing behaviour is not acceptable.
- A Worker who is subjected to harassing behavior by a visitor, should seek support from their Manager/Supervisor, who will engage the appropriate Intake Office to investigate the complaint.
- A Student who is subjected to harassing behaviour by a visitor should report it to the Associate Vice-President (Students Affairs and Student Life) or their designate.
- Campus Safety Services may be called to escort visitors off campus and/or take other appropriate action.
- Visitors who are subjected to harassment by a Carleton worker should contact University Safety and/or the worker’s Manager/Supervisor. If Campus Safety Services is called, they will contact the appropriate manager/supervisor.

IX. Harassment by/of Related Third Parties

The University does not condone harassment by or toward Related Third Parties.

- A Worker who is subjected to harassing behavior by a Related Third Party, should seek support from their Manager/Supervisor, who will engage the appropriate Intake Office to investigate the complaint.
- Related Third Parties who are subjected to harassing behaviour by a Carleton worker should report it to their Contractor.
- The Contractor should report complaints of harassment to the Carleton Contract Manager.

X. Sexual Harassment and/or Human Rights Based discrimination

Complaints of workplace sexual harassment and/or discrimination will be addressed under the Carleton University Sexual Violence Policy or Human Rights Policies and Procedures as appropriate.

XI. Complaint Process - Informal and Formal Investigation Procedure

General Provisions Regarding the Formal Complaint Process

1. Time Limitation for Bringing a Complaint

Individuals are encouraged to report a complaint at the earliest opportunity but must do so within one year of the date on which the incident of harassment is alleged to have occurred. If there was a series of incidents it must be reported within one year of the date of the last event. However, if the University is satisfied there are compelling reasons and/or extenuating circumstances, complaints may be pursued outside of this timeframe. When the Complainant is no longer a University community Member, the Intake Office will review the Complaint and determine whether it is within the scope of the Program and may decide to initiate an Investigation.

2. Reprisal

The University prohibits reprisal or threats of reprisal against any person who, sincerely and in good faith, makes use of this Program or participates in any process held under its jurisdiction. Any individual who is concerned that they are the subject of reprisals or threats should report their concerns immediately. Where appropriate, sanctions under the relevant policy (including this Program) legislation or contract, may be applied against the individual(s) responsible for the reprisal.

3. Vexatious or Bad Faith Complaints

Individuals who make a complaint against another person in bad faith or for a vexatious purpose may be subject to disciplinary action.

4. Confidentiality

- The University recognizes the importance of confidentiality both for individuals coming forward for a complaint and for individuals subject of a complaint and will take steps to protect the confidentiality of both parties to the extent permitted by its legal obligations and applicable law.
- All reports and disclosures made in the course of action taken pursuant to these procedures shall be considered to be confidential in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA), the provisions of applicable collective agreements and applicable law. All members of the University community who receive a

report or disclosure of workplace harassment, who are involved in addressing or investigating it must keep the matter confidential.

- Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating, taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- The identities of all Complainants, Respondents and Witnesses, and the nature of the complaint itself, will be kept confidential and only persons with a need to know will be informed. Subject to FIPPA and any other applicable law, findings and corrective actions taken as a result of the investigation, if any, will be provided to the Complainant and the Respondent in writing.
- Workers may request union representation as appropriate.

5. Procedural Fairness

The University has a duty of procedural fairness to the parties with respect to the process by which investigations and decisions are made that may result in findings of harassment and may potentially impose serious consequences against a member of the University community who has engaged in such conduct. The basic requirement of procedural fairness is that a person against whom allegations are made, must know the allegations and evidence against them, and must be given the opportunity to respond to the allegations prior to a decision being made. The University reserves the right to adjust the complaint process to ensure procedural fairness in accordance with the circumstances of the individual case.

Therefore:

- the Respondent will be informed of the allegations
- the Respondent will be provided the opportunity to respond
- an investigation will be conducted in accordance with appropriate procedural fairness; and
- in the event of conflict of interest, appropriate alternative measures will be taken.

Attached as Appendix A is a Process Map outlining the process for complaint reporting and investigation.

6. Interim Measures

At any stage it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties and the community during the process. Interim measures may be implemented prior to and/or during the formal complaint process and pending a final decision. Where Interim measures are necessary, the University will seek to implement the least disruptive measures that still promote safety and security. Such measures are without

prejudice to the ultimate outcome of the complaint process and are not intended to be disciplinary in nature. A non-exhaustive list of examples of such interim measures include:

- Restrictions to access campus or part of campus;
- No contact/communication orders;
- Administrative non-disciplinary leave with pay;
- Employment/workplace restrictions

Non-compliance with the interim measures may result in additional measures and/or discipline being imposed. The Parties will be advised of interim measures imposed where permitted by FIPPA for health and safety reasons.

7. Union Representation

Where the Respondent is a unionized employee, the employee shall have all applicable rights to union representation. As per the relevant collective agreement, the Director of Labour Relations (Human Resources) or the Director, Labour Relations (Academic) will also inform the appropriate Manager/Supervisor of the Respondent of the investigation.

8. Informal Dispute Resolution

In appropriate circumstances, a complainant may be willing to resolve the matter before an investigation is commenced or completed. The Intake Office who receives or is advised of a complaint of Workplace Harassment may seek to determine if the matter is resolvable through informal resolution. Examples of alternative resolution include mediation/facilitation, restorative justice, education or similar method.

- Efforts at informal resolution are a shared responsibility and should include individual meetings with the parties as appropriate (i.e. Complainant and Respondent). The parties may decide to meet as a group or meet separately to discuss the issue.
- If desired, the parties at the meeting may invite representatives of their union(s).
- The Intake Office shall consider if any interim measures are required during the informal resolution process.
- If the complaint is resolved informally then the file is closed. Closure of the file involves the following:
 - Providing a written summary of the informal Resolution to both the Complainant and the Respondent. This may be shared with the appropriate union, at the individual's request. If there is a failure to comply with the terms of a resolution, the complaint may be moved to an investigation and decision-making process.
 - Providing a copy to Human Resources for their files
 - Securing all notes and documentation
- At any stage during the process, either the Complainant or the Respondent may indicate they would like the complaint to move to or resume the investigation and decision-making process.

- If the complaint is not resolved at this stage, then the matter will proceed through the investigation process.
- If the complaint is resolved informally at this point then the file is closed.
- If informal resolution is not possible, the Intake Office shall proceed with the formal investigation.
- The Intake Office may make a decision as to what additional interim measures, if any, are required in the Workplace.

Formal Complaint Process and Investigation Procedure

1. Reporting of Formal Complaints

Only a person who reports experiencing harassment (the “Complainant”) can choose to file a formal complaint. Complaints must be filed with the appropriate Intake Office as follows:

- The Director, Labour Relations (Academic), Office of the Deputy Provost (or designate) is responsible for receiving formal complaints of harassment related to academic employees.
- The Director, Labour Relations, Human Resources (or designate) is responsible for receiving formal complaints related to professional services employees.
- The Associate Vice-President, Student Affairs (or designate) is responsible for receiving formal complaints of harassment related to students.
- In the case where the Respondent is both a student and an employee, the complaint may be submitted to either of these offices but will be jointly received.

A formal complaint can be filed if the Respondent is a member of the University community and was a member of the University community at the time of the incidents alleged in the formal complaint. Jurisdictional or other legal considerations may arise (such as an active police investigation) where the formal complaint process in this Policy may be suspended. In addition, the University does not have jurisdiction to address allegations made against a person who is not a member of the University Community. However, in the event of such allegations, the University will provide support to Complainants and may be able to take measures such as restricting access to campus by the person against whom the allegations are made.

Complaints will be filed in writing and include a description of what happened who was involved in the incident; when and where the incident occurred; who (if anyone) saw or heard the incident(s), or saw or heard something of relevance prior to or after the alleged incident(s) of Harassment.

2. Intake of Workplace Harassment Complaint

- Following receipt of the complaint, the Intake Office assesses the immediate risk, gathers information and documents the complaint.

- If there is an immediate risk, the Intake Office should refer to University Safety for support.
- The Intake Office will assess the complaint and determine whether the alleged conduct forming the basis of the complaint falls within the scope of the Program, and if so whether the matter should proceed within the informal or formal process.
- If the alleged conduct forming the basis of the complaint does not fall within the scope of the Program, the matter will be closed. The matter may be referred to be addressed under another University policy or office as may be applicable or legally required.
- If a complaint under this program is received directly by Student Affairs, Equity and Inclusive Communities, Human Resources, University Safety, or EHS, the complaint will be sent to the appropriate Intake Office.
- Where informal resolution may not be possible or appropriate, the Intake Office will initiate an investigation. The investigation shall proceed as expeditiously as possible and on a confidential basis.
- One of three types of investigators may be appointed, at the discretion of the Intake Office:
 - internal investigator (i.e. Senior Manager or trained investigator);
 - external third-party investigator;
 - referral to University Safety for investigation.

3. University Initiated Investigation

The University may become aware of situations where a university-initiated investigation may be warranted, including but not limited to circumstances where the University has a legal obligation to investigate. The appropriate Intake Office will consult with appropriate University senior management to determine whether an investigation is warranted on the basis of both the circumstances, the nature of the allegations and applicable law.

4. Investigation Process

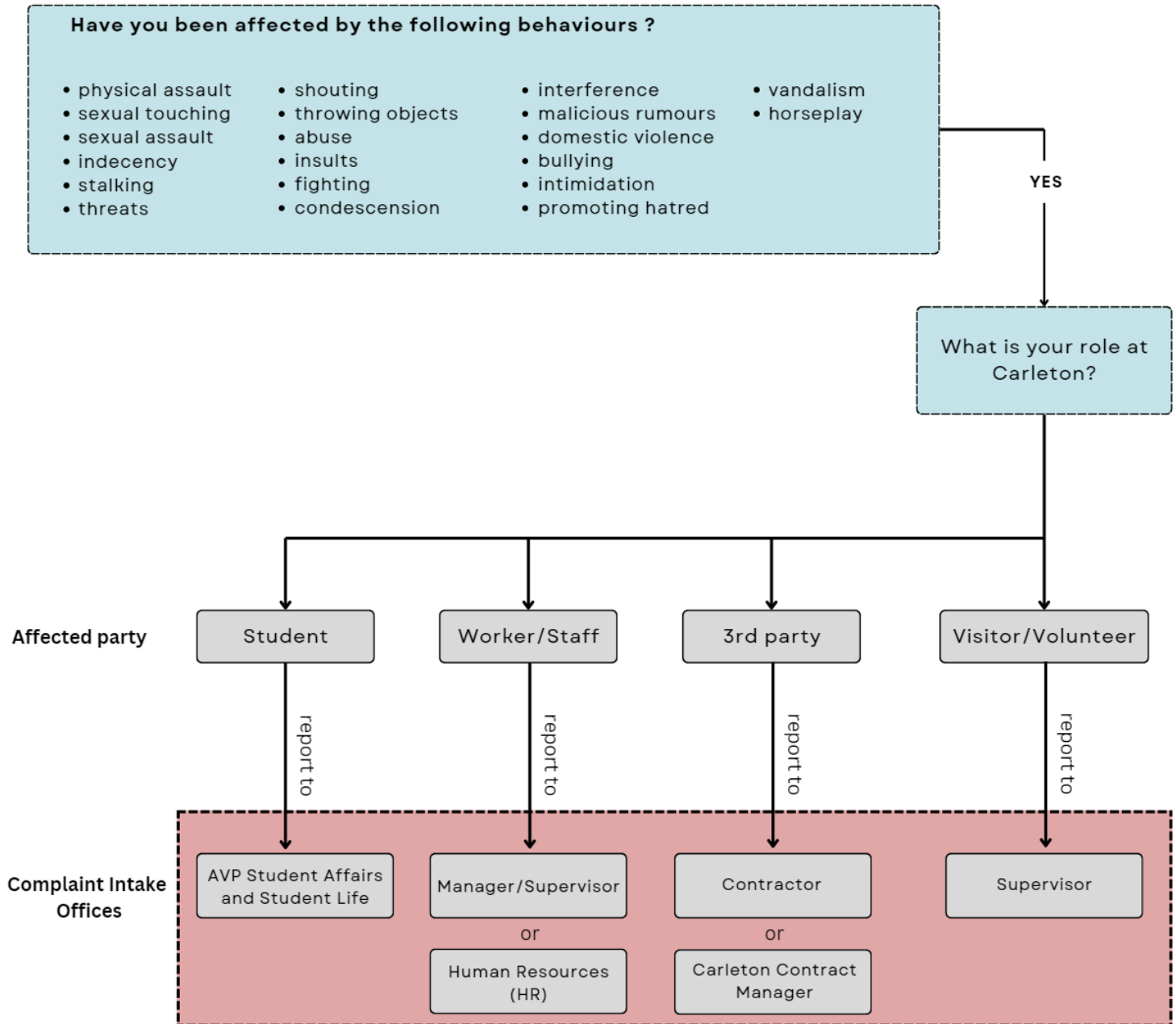
- When the complaint falls within the scope of the Program, the Intake Office will appoint an investigator to investigate the complaint.
- The intake office will send a written notice to the Respondent and the Complainant, informing both of them of the formal complaint, and enclosing a copy of the complaint. The Respondent and Complainant will be informed of the name of the investigator as soon as possible.
- The Investigator will interview the Complainant and Respondent, examine the information submitted by the parties as well as any other information gathered during the investigation, meet with relevant witnesses, as necessary, and conduct all interviews in a fair, impartial and professional manner.

- The Investigator will ask the Respondent to respond in writing to the formal complaint. If the Respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a response.
- The Investigator will send the Respondent's response to the Complainant, who can submit a written reply within the time requested by the Investigator. If no written reply is provided within the time requested, the Investigator will proceed in the absence of such reply. The Respondent will receive a copy of the reply, if any.
- The Investigator will remind the individuals of the requirement to protect and keep confidential the personal information of the persons involved in the investigation.
- The Investigator will keep the Intake Office informed on the status of the investigation at regular intervals or at the request of the Intake Office.
- The Investigator will prepare a draft report. The Complainant and Respondent will be provided with a copy of the draft report or findings as appropriate and will be invited to provide their comments.
- Upon completion of the investigation, the Investigator will send a written confidential report containing the facts and information gathered during the investigation to the Intake Office including any responses provided by the Respondent and Complainant. The investigator will provide in their report the facts and findings and determine whether there is:
 - sufficient evidence to substantiate a finding of violation of the policy, or
 - insufficient or lack of credible evidence to substantiate the alleged violation of the policy, or
 - no violation of the policy

The investigation report or its findings will be provided as appropriate to the Complainant and to the Respondent with a reminder of the need to protect and keep confidential the personal information of those involved in the investigation and to avoid acts of reprisal. The university considers reprisal at any stage to be a serious offence. A breach of confidentiality by any person with respect to a complaint may also constitute reprisal.

- Based on the investigator's findings, the Intake Office in consultation with the AVP Human Resources, the Deputy Provost (Academic Operations and Planning) as appropriate and/or other University officials as relevant, shall determine whether discipline or further action is warranted (i.e. initiate corrective action).
- Once the investigative process has been completed and corrective actions, if any, are implemented, the file will be closed.
- Subject to FIPPA requirements, the Complainant and the Respondent will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.
- Where a complaint is lodged by more than one Complainant or is against more than one Respondent, the Complainant or Respondent, as the case may be, shall receive only the portions of findings applicable to their specific complaint/response.

Appendix A – Process Map for Formal Workplace Harassment Complaint Resolution



Above points of contact will assist in the navigation of this process and work collaboratively to resolve all complaints. In an emergency or in immediate danger, call Campus Safety at **613-520-4444** or ext. **4444** on any campus phone.