



Workplace Harassment Prevention Program

October 2017

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 Community, including Employees, Related Third Parties, and Students.

III. Policies, Standards and Legislation:

Policy, Standards and Legislation prohibit Workplace Harassment, but more importantly, these behaviours are inconsistent with Carleton 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, to address these 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. 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:
 - a. Take every precaution reasonable in the circumstances to protect Workers against Workplace Harassment, including Workplace Sexual Harassment
 - b. Develop and maintain policies on the prevention of workplace harassment and workplace violence
 - c. Develop and maintain 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. Ensure an investigation is conducted into incidents and complaints of workplace harassment.
 - e. Ensure the worker, and the alleged harasser if he/she is a worker, is informed in writing of the results of the investigation and of any correction action that has been taken or will be taken as a result of the investigation
 - f. Provide 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
- 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

Workplace Harassment does not include:

- Legitimate performance management
- Operational directives
- Job assignments
- Inadvertent management errors

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 (including any employee whether covered by a collective agreement with the University or employed under an individual contract of employment), or Student, visitor and any person who is a volunteer, all of whom are entitled to submit a complaint under this program.

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.

Cyberbullying: 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

Manager/Supervisor: A “Manager/Supervisor” is the person responsible for the work unit who has the ability to review behavior and initiate corrective action including discipline, if required. (The person who has charge of the workplace or authority over a worker)

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), or a Student, visitor and 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. As of 2015, the definition of worker also includes unpaid secondary school students who are participating in a work experience program, and other unpaid learners participating in a program approved by a 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, 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 Assistant Vice President, Facilities Management and Planning, and the Director, Environmental Health and Safety are delegated this responsibility by the Senior Management Committee.

Program development will be a collaborative endeavor involving stakeholders from across the Carleton campus. The Joint Health and Safety Committee will also be consulted.

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 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 condoned 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 end 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, investigate any reported or witnessed 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, 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 AVP Human Resources as required.
- Participate in education and training programs as required

Worker Responsibilities

Workers shall:

- Act respectfully 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 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 dismissal from employment.

Reprisal includes:

- 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 for the accused.

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 he/she 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 dismissal from employment. Such discipline is not a reprisal or breach of this policy.

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 their Manager/Supervisor, who will refer the matter to the Vice-President (Students and Enrolment) and University Registrar.
- A Student who is subjected to harassing behaviour by a Carleton Worker should report it to the Worker's Manager/Supervisor. Alternatively, it can be reported to the Vice-President (Students and Enrolment) and University Registrar.

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 investigate the complaint.
- A Student who is subjected to harassing behaviour by a visitor should report it to the Vice-President (Students and Enrolment) and University Registrar
- University Safety 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 University Safety 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 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. Complaint Process - Informal and Formal Investigation Procedure

Confidentiality

- All reports and disclosures made in the course of action taken pursuant to these procedures shall be considered to be confidential and in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA) and with the provisions of applicable collective agreements by the parties involved and by those who, in providing advice and carrying out duties contemplated in these procedures, are required to know of their existence and content.
- 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 or 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. 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.

Process

The complaint process will be fair:

- the Respondent will be informed of the allegations
- the Respondent will be provided the opportunity to respond
- an investigation will be made by the appropriate level of management, in consultation with the AVP Human Resources if required
- in the event of conflict of interest, appropriate alternative measures will be taken
- the results of the investigation and any corrective action will be provided to the Complainant and the Respondent

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

Reporting

All Workers are responsible for reporting Workplace Harassment as defined by the Ontario *Occupational Health and Safety Act* to their Manager/Supervisor.

If the Worker's immediate Manager/Supervisor is alleged to be involved in the Workplace Harassment, the Worker shall contact the next level Manager/Supervisor.

In all cases, the Manager/Supervisor will follow the reporting procedures as outlined below. If the Manager has concerns about whether the matter should be referred to the Ottawa Police, he or

she should consult with the Department of University Safety. No Manager/Supervisor should go to the Ottawa Police without consulting with the Department of University Safety.

When a Manager/Supervisor Becomes Aware of a Workplace Harassment Concern

- The Manager/Supervisor assesses the immediate risk, gathers information and documents the concern within five (5) business days of receiving the complaint. He or she will consult with one of the resources listed on Appendix B and decide whether the concern is based on a complaint under the *Human Rights Code*, or is a University Safety or Human Resources issue.
- If there is an immediate concern, the Manager/Supervisor should refer to University Safety for support
- If the concern falls within the scope of the *Human Rights Code* the Manager/Supervisor may refer to Equity Services for support
- If the concern does not fall within the scope of the *Human Rights Code* or University Safety, the Manager/Supervisor determines whether the resolution falls within the informal or formal process for resolution.
- If the Respondent is a student and the incident involves student misconduct, the concern is referred to Student Affairs.
- If a complaint under this program is received directly by Student Affairs, Equity Services, Human Resources or University Safety, the Manager/Supervisor will be involved in the resolution of the concern as appropriate.

Informal Resolution

The timelines mentioned in this program are meant to ensure that matters are dealt with in a timely fashion. It is understood that there may be compelling reasons that would require additional time to resolve. It can be difficult to determine appropriate timelines for the resolution, investigation or a final disposition with respect to a formal complaint. The intention is always to use a reasonable time period and to act as expeditiously as possible in light of other circumstances that may arise during the process, that are beyond a party's reasonable control.

A Manager/Supervisor who receives or is advised of a complaint of Workplace Harassment resolvable through informal resolution must take reasonable action to assist the Complainant in achieving a resolution within ten (10) business days of receiving the complaint.

- Efforts at informal resolution are a shared responsibility and should include individual meetings with the parties as appropriate (i.e. Complainant, Respondent and witnesses). The parties may decide to meet as a group to discuss the issue.
- If desired, the parties at the meeting may invite representatives of their union(s). The Manager/Supervisor shall record the details of information provided during the informal resolution process.
- The Manager/Supervisor shall consider if any interim measures are required during the resolution process. Interim measures may change based on the circumstances of the nature of each incident and do not reflect the merit of the incident.

- 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.
 - Providing a copy to Human Resources for their files
 - Securing all notes and documentation
- Any of the parties may request a formal review of the decision of the Manager/Supervisor by submitting additional evidence in writing to the AVP Human Resources within 10 business days of receiving the summary.
- If the complaint is not resolved at this stage, then the Manager/Supervisor may also seek assistance from the AVP Human Resources. After consultation, the Manager/Supervisor may then attempt further informal resolution.
- If the complaint is resolved informally at this point then the file is closed, as per above.
- If informal resolution is not possible, the Manager/Supervisor shall forward the complaint (Appendix C – *Workplace Harassment Reporting Form*) to the AVP Human Resources to initiate a formal investigation. (Proceed to “Formal Investigation Procedure”)
- The Manager/Supervisor in consultation with the AVP Human Resources will make a decision as to what additional interim measures, if any, are required in the Workplace while the AVP Human Resources considers the complaint.

Formal Investigation Procedure

The timelines mentioned in this program are meant to ensure that matters are dealt with in a timely fashion. It is understood that there may be compelling reasons that would require additional time to resolve. It can be difficult to determine appropriate timelines for the resolution, investigation or a final disposition with respect to a formal complaint. The intention is always to use a reasonable time period and to act as expeditiously as possible in light of other circumstances that may arise during the process that are beyond a party's reasonable control.

In certain circumstances, informal resolution may not be possible, or may require additional resources. In those circumstances, a formal complaint and request for investigation is to be directed to Human Resources by the Supervisor/Manager, as described above.

Once the complaint is provided to Human Resources, there may still be opportunity for mediation and conciliation as part of the investigation process.

The AVP Human Resources shall appoint an investigator within ten (10) business days of receiving a request for formal investigation of a Workplace Harassment concern. The investigation shall proceed expeditiously and on a confidential basis.

- One of three types of investigators may be appointed, at the discretion of the AVP Human Resources:
 - internal investigator (i.e. Senior Manager or trained investigator)
 - third-party investigator

- referral to University Safety
- The investigator will be responsible for establishing the facts, including interviews of the Complainant, the Respondent and any witnesses.
- The Complainant, Respondent and Witnesses will be provided a copy of the information they provided during the course of the investigation.
- The Worker may choose to request union representation throughout this process.
- The Complainant, Respondent and witnesses may be called upon with advance notice to ensure the timeliness of the investigation process.

Investigation Process

The investigation process will be fair:

- the Respondent will be informed in writing of any and all allegations
- the Respondent will be provided the opportunity to respond
- a decision will be made by an impartial decision-maker, and
- in the event of conflict of interest, appropriate alternative measures will be taken.
- The investigator interviews the Complainant(s).
- The investigator interviews Respondent(s) if identified.
- The investigator meets with any witnesses identified as having knowledge of the incident, if necessary.
- If required, the investigator will re-interview the Complainant(s), Respondent(s) or witness(es).
- The investigator will prepare and submit a report to the AVP Human Resources, generally within thirty (30) days of starting the investigation, providing 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

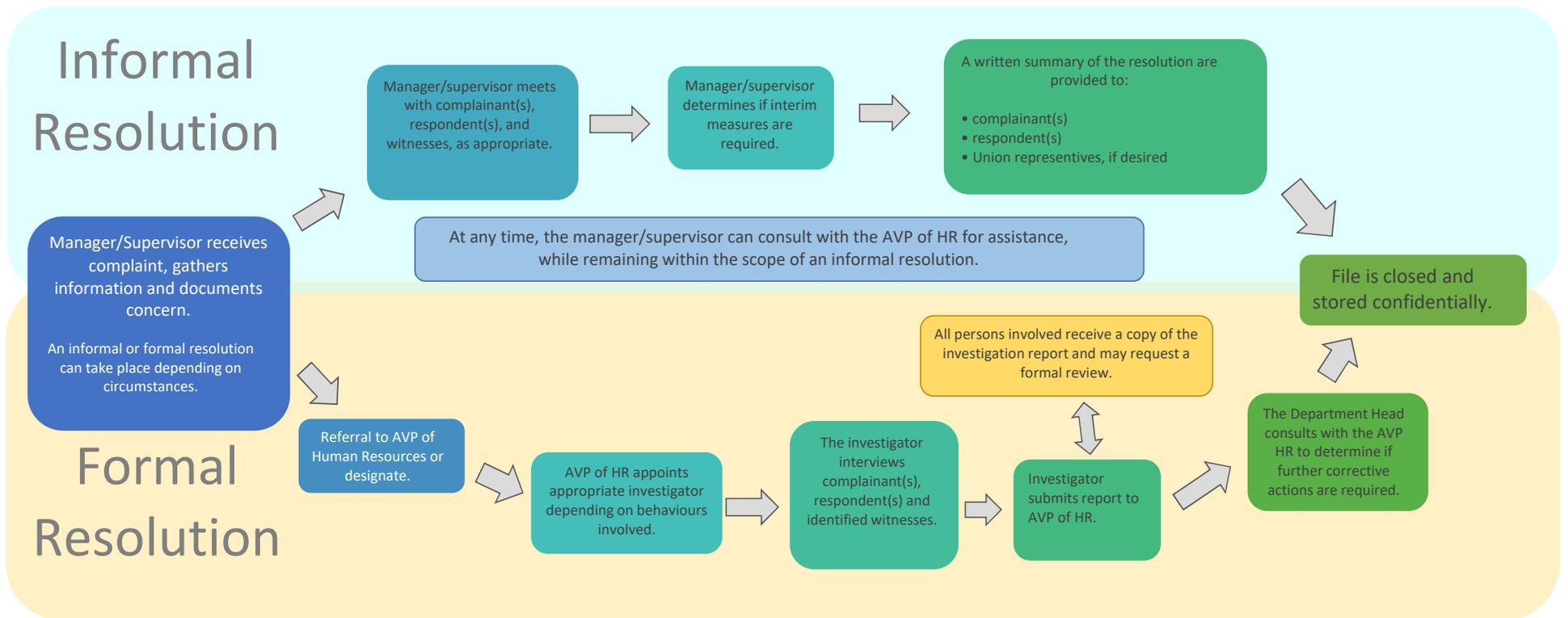
Copies of the findings will be distributed to the following recipients:

- the Department Head or delegate
- the AVP Human Resources
- the Complainant(s)
- a representative of the union(s) of which the Complainant and/or Respondent are members, as relevant, and as authorized by the Complainant and/or Respondent
- the Respondent(s), if identified

- Any of the parties may request a formal review of the decision of the investigator by submitting additional evidence in writing to the University Legal Counsel within ten (10) business days of receiving the findings of the investigation.
- Based on the investigator's findings, the Department Head or delegate in consultation with the AVP Human Resources, and/or other University officials as relevant, shall determine whether further action is warranted (i.e. initiate corrective action) within ten (10) business days of receiving the investigator's report.
- Once the investigative process has been completed and corrective actions, if any, are implemented, the file will be closed.
- 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.

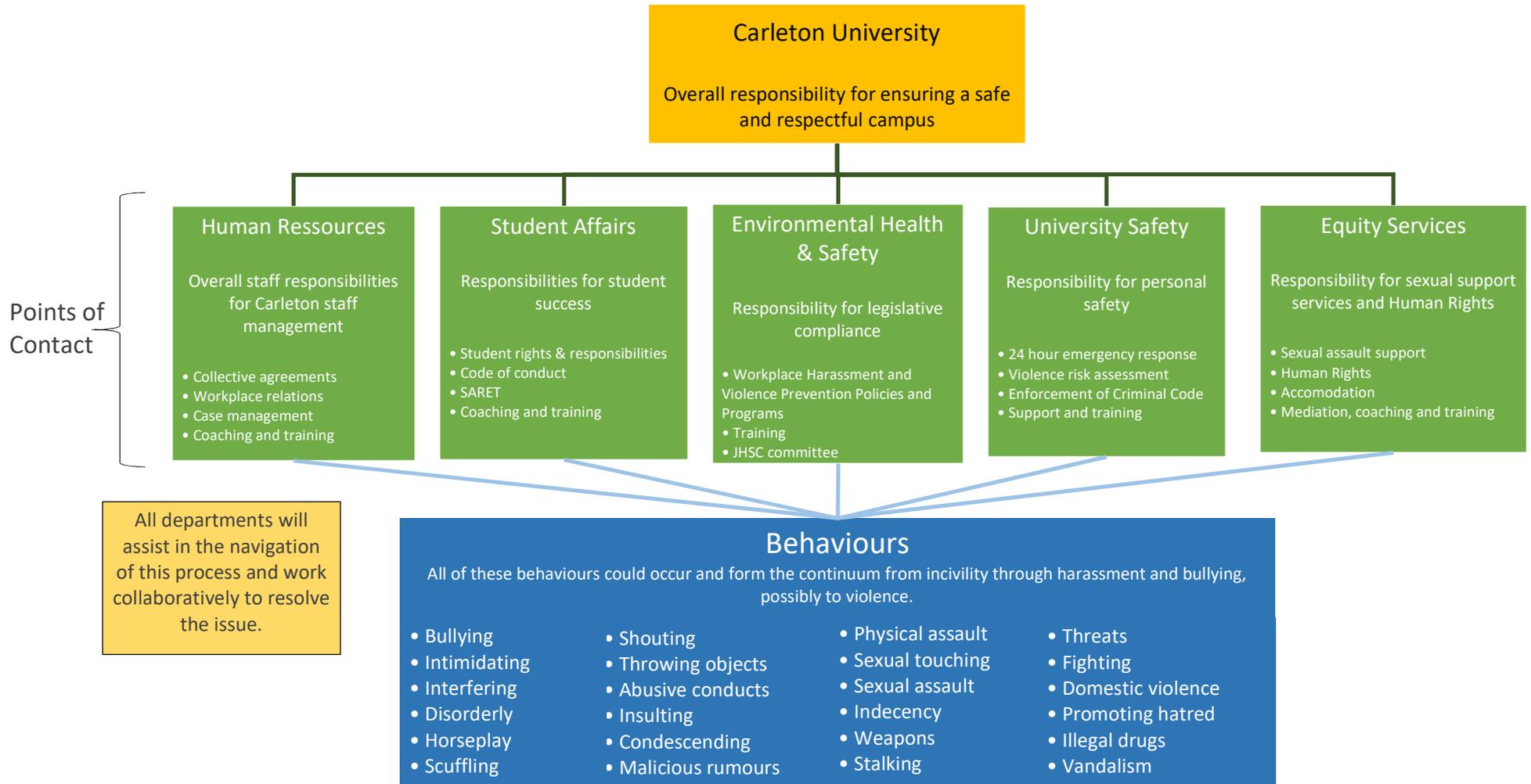
Appendix A

Process Map for Informal and Formal Workplace Harassment Complaint Resolution



Appendix B

Support Tool for Workplace Harassment Management



Appendix C - Workplace Harassment Reporting Form

This form assists the Manager/Supervisor in documenting a complaint reported by a Worker. If informal resolution is not possible, the Manager/Supervisor shall forward the completed form to the AVP Human Resources to initiate a formal investigation.

Report Initiation Date: _____

Has the Department of University Safety Been Contacted? Yes No

Worker/Complainant Information

Reported by: _____

Reported Date/Time: _____

Department: _____

Job/Position: _____

Phone Number: _____

Incident Information

Incident Occurrence Date/s:

Incident date(s) (Can be specific date or set of dates or over a certain period of time, e.g., three times in the last month.):

Description of Incident:

Exact date and time of incident: _____

Exact location of incident: _____

Exact location of Complainant: _____

Exact location of Respondent: _____

Exact location of witness(es): _____

Activities of Complainant, Respondent and witness/participant before, during and after incident:

Complainant's detailed explanation of events in order of sequence of occurrence:

Respondent's physical and mental state prior to and at the time of the incident:

Unusual activity or behavior that may have contributed to the incident:

Relationship between Complainant and Respondent, if any:

Witness(es) (if any):

- 1. Name: _____ Dept: _____ Phone: _____
- 2. Name: _____ Dept: _____ Phone: _____
- 3. Name: _____ Dept: _____ Phone: _____

Action Taken by Manager: (1st Incident)

Resolutions Discussed:

Action Taken by Manager: (2nd Incident)

Next Steps:

Support Services Recommended (Performance Management, EAP, Training, and Professional Support):

Report completed by: _____

Signature

Department: _____

Phone Number: _____

Date of submission: _____

Submit Printed Form to the Assistant Vice-President (Human Resources) if formal resolution is required.