

TITLE: HARASSMENT AND DISCRIMINATION POLICY

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Mandatory Review Date: May 31, 2017

Approved By:
 Board of Governors
 President (Executive Committee)
 Senate

Effective Date: May 31, 2016

1. PURPOSE

The Sheridan College Institute of Technology and Advanced Learning (Sheridan) is committed to provide a working and learning environment that is free of discrimination and harassment and supportive of academic achievement and the dignity, self-esteem and fair treatment of everyone taking part in its activities. Sheridan seeks to create a climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well-being of the community. Sheridan will not tolerate any form of harassment or discrimination as defined by the Ontario Human Rights Code (Code).

2. SCOPE

2.1 The policy applies to all employees and students, Board of Governors members, members of committees, societies or associations established or recognized by the college, contractors, providers of service or research, visitors or guests and applicants for admission or employment.

2.2 All contractual relationships entered into by the college will be governed by a standard contract compliance clause stating that contractors must comply with this policy and the Code, including co-operation in investigations. Breach of this clause may result in penalties, cancellation, or debarment if a contractor is found in violation of this policy or the Code.

2.3 Sheridan will not tolerate harassment or discrimination in its employment, educational or business dealings, whether these actions take place on its premises or during college activities off campus. For those incidents taking place off campus, there must be potential for an adverse impact on work or study performance or the creation of a negative environment. For example, such activities as a field trip, a social event or a meeting taking place under the auspices of the college and held off the campus are covered by this policy.

3. DEFINITIONS

Discrimination: Any action, words or behaviour, which negatively affects the status of any member of the Sheridan community that is based on a prohibited ground, as defined in this policy.

Harassment: A course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. For the purpose of this policy, harassment may include comment or conduct linked to the prohibited grounds initiated by one person towards another which cause humiliation, offence or embarrassment. Single acts of sufficient severity may constitute harassment.

Understanding Harassment

- Harassment is a form of discrimination. It is prohibited by the Code. It is against the law.
- Harassment is concerned with the impact of behaviour, not the intent.
- Harassment is offensive, degrading and threatening. In its most extreme forms (sexual touching, for example), harassment can be an offence under Canada's Criminal Code.
- There are times when a person causing the harassment is unaware of the impact of his or her behaviour. If you are able to make that person aware of your discomfort, he or she should cease acting in that manner.

Harassment includes, but is not limited to:

- (i) inappropriate or insulting remarks, gestures, jokes, innuendoes or taunting about a person's racial or ethnic background, colour, place of birth, citizenship, ancestry, creed, or disability
- (ii) unwanted questions or comments about an employee's or a student's private life
- (iii) posting or display of materials, including by electronic means, articles, or graffiti, etc. which may cause humiliation, offence or embarrassment on Code prohibited grounds.

Hostile or Poisoned Environment: Any action or behaviour such as insults, jokes or posting/displaying of offensive material, including by electronic means, relating to one of the prohibited grounds, though not necessarily directed at anyone in particular, that has the effect of creating or maintaining an offensive, or intimidating climate to work or study.

Parties to a complaint: The parties to a complaint ("parties") refer to the complainant(s) and respondent(s) identified in the informal process or named on the complaint forms in the formal process.

Prohibited Grounds:

Every person has a right to freedom from discrimination in the areas of:

- services, goods and facilities
- the occupancy of accommodation
- contracts
- employment
- membership in vocational associations and trade unions

On the grounds of:

- race, ancestry, place of origin, colour ethnic origin, citizenship
- creed (religious, Indigenous or spiritual observance)
- sex, sexual orientation
- disability
- age
- gender expression, gender identity
- marital and same-sex partnership status (includes cohabitation, widowhood, separation and divorce)
- family status (parent-child relationship)
- the receipt of public assistance (in accommodation only)
- record of offences (in employment only)

Sexual Harassment: One or a series of comments or conduct of a gender-related or sexual nature that is known or ought reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate.

Members of the Sheridan community have the right to be free from:

- (a) sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement,
- (b) reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made by a person in a position to grant, confer, or deny a benefit or advancement

Sexual Harassment includes but is not limited to:

- (i) unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, - physical characteristics, gender, or sexual orientation, -
- (ii) unwanted touching or any unwanted or inappropriate physical contact such as touching, kissing, patting, hugging or pinching, -
- (iii) unwelcome inquiries or comments about a person's sex life or sexual preference, -
- (iv) leering, whistling, or other suggestive or insulting sounds, -
- (v) posting or display of materials, including by electronic means, articles, or graffiti, etc. - which is - sexually oriented, -
- (vi) requests or demands for sexual favours which include, or strongly imply, promises of rewards for - complying (e.g. job advancement opportunities, improved academic grades) -

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

4. POLICY STATEMENT

- 4.1 - Sheridan College will not tolerate any form of harassment or discrimination as defined by the Code. In the event that harassment or discrimination is alleged, every effort will be made to work with the people involved to find a fair and timely resolution of the matter. It is recognized that the most effective way to deal with harassment and discrimination is through preventative action, including informing, educating and good management.
- 4.2 - All members of the Sheridan community share responsibility for creating and maintaining a working and learning environment free from discrimination and harassment. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy. This policy is not meant to interfere with mutually acceptable social interactions that are an important part of a comfortable working and education environment.
- 4.3 - Sheridan recognizes its responsibility to ensure that every person in its community is protected from unlawful discrimination and harassment in accordance with the Code. Any action or failure to act that results in harassment or discrimination on any of the grounds enumerated under the Code will not be tolerated by the college. Please see Section 2, Prohibited Grounds, for a listing of those grounds.
- 4.4 - The Code provides that a person (such as a manager or supervisor*) who has the authority to prevent or discourage harassment and discrimination may be held responsible for failing to do so. All managers and supervisors therefore have a particular duty to act to deal with such incidents when they ought reasonably to have known that there is an issue to address. This duty includes the obligation to be familiar with and uphold this policy and its procedures. * In academic institutions, faculty and technologists are in a position of authority and are considered to have the same responsibility to prevent or discourage harassment and discrimination.
- 4.5 - Properly discharged supervisory and instructional responsibilities by supervisors, managers, teachers or technicians do not constitute harassment. Performance appraisals, counseling, discipline and the proper enforcement of high standards, provided that such standards are applied in a non-discriminatory manner, are not contrary to this policy.
- 4.6 - Sheridan recognizes its obligation to ensure that this policy and the procedures are fair and applied fairly. Sheridan is committed to deal quickly, fairly and effectively with harassment and discrimination should it take place. Complainants should feel free to bring their complaints forward and those against whom allegations are made should have a full and fair opportunity to meet those allegations.

- 4.7 - While this policy provides a resolution oriented process for resolving and, where necessary, investigating complaints, its primary purpose is to prevent harassment and discrimination taking place at Sheridan. To this end Sheridan is committed to ensure that each member of the Sheridan community is made aware of the policy through an ongoing program of information dissemination, education and training.
- 4.8 - This policy provides an opportunity to deal with harassment and discrimination issues quickly and fairly. All members of the Sheridan community are encouraged to follow the policy and procedures. At the same time nothing in the policy is intended to prevent a complainant from using an alternate procedure, such as a collective agreement, the Code or criminal prosecution.
- 4.9 - To the extent possible, where a complaint is substantiated, Sheridan's objective is to attempt to restore the complainant(s) to the position they would have been in had the discrimination not occurred. A substantiated act of discrimination or harassment may be cause for disciplinary action by the college up to and including the possibility of discharge in the case of an employee or expulsion in the case of a student.
- 4.10 In order to protect individuals who make use of this policy or participate in proceedings as part of the complaint procedure, the college prohibits reprisal or threat of reprisal against these individuals. Any person who is found to have acted in, or threatened reprisal, shall be penalized.
- 4.11 Sheridan may, from time to time, implement a special initiative designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity. The protections from discrimination and harassment defined in this policy are not infringed if such an initiative is implemented.
- 4.12 -Complaints which are found to be trivial, frivolous, and vexatious or made in bad faith, may result in a penalty against the complainant.
- 4.13 -The Responsible Executive for this policy is the Associate Vice President, Human Resources. The Responsible Office for this policy shall be the Centre for Equity and Inclusion, Human Resources. The Responsible Office will interpret and apply the policy and have responsibility to draft and/or approve any associated procedures.

5. RELATED DOCUMENTATION (PROCEDURES/ADDITIONAL POLICIES/FORMS)

[Occupational Health And Safety Policy](#)
[Resolving Harassment & Discrimination and Workplace Harassment Issues Procedure](#)
[Code of Conduct](#)
[Student Code of Conduct](#)
[Workplace Harassment Policy](#)
[Workplace Violence Policy](#)