

# St. Thomas University

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**POLICY:**

**Harassment and Discrimination**

## **2.0 POLICY STATEMENT**

### **2.1 Mission Statement**

*“We are a University primarily concerned with people, ideas and values. We are an institution with a social conscience. We are united in the belief that women and men of divergent backgrounds and abilities should have an opportunity to learn and practice critical thought and to realize their intellectual potential in an academic setting.*

*We seek to provide a learning and working atmosphere that is free of discrimination, injustice and violence, and that is responsive, understanding, open and fair.”*

## **3.0 SCOPE**

3.1 The entirety of this Policy applies to all members of the St. Thomas University community, including students and employees (faculty, staff, a Matters pertaining exclusively to students (e.g., complaints by a student against another student) shall be exempt from the Policy.

3.2 Harassment and/or discrimination that occurs on-campus, off-campus at University-related social functions, in the course of work or academic assignments/placements off-campus, during work or University-related travel, by telephone and/or electronic communication and/or social media, is covered under this Policy.

## **4.0 GUIDING PRINCIPLES**

4.1 In establishing a Policy with procedures for dealing with allegations of harassment and discrimination, the University is guided by the following principles:

4.1.1 The prevention of harassment and discrimination through a process of educating and informing the University community is necessary, important, strategy;

4.1.2 All reasonable attempts should be made to resolve alleged cases of harassment and discrimination before laying a formal complaint (see Section 8.5 Formal Complaint Procedure) and that in resolving the same, principles of fairness shall apply;

4.1.3 The University is committed to academic freedom and to freedom of expression and association. Neither this Policy in general, nor its

definitions in particular, is to be applied in such a way as to detract from the right of employees and students to engage in free inquiry and open discussion of potentially controversial matters;

- 4.1.4 This Policy is not to be interpreted, administered, or applied in such a way as to detract from the right and obligation of those in supervisory roles to manage and correct employees and students in accordance with collective agreements or applicable University policies and procedures. Conversely, an obligation to manage or correct others is not an excuse for actions that may constitute harassment and/or discrimination;
- 4.1.5 Lack of intent is no defense to a complaint of harassment and/or discrimination. It is the effect and characteristics of the behaviour that



5.4.2.5 Repeatedly singling out an employee for meaningless or dirty jobs that are not part of her/his normal duties; and/or,

5.4.2.6

5.5.3.3 Solicitation of sexual activity by expressed or implied promise of reward or threat of reprisal; and/or,

5.5.3.4 Coerced sexual relations.

5.5.4 Sexual Harassment is not:

5.5.4.1 Consensual interaction;

5.5.4.2 Physical affection between friends; and/or,

5.5.4.3 Mutual flirtation, joking or teasing.

5.6 University Official

The Director of Human Resources will consult with the President to identify the appropriate University Official who will be responsible for addressing a complaint under this Policy, taking into consideration the circumstances of the complaint.

## **6.0 ESTABLISHMENT OF RESOURCES TO ADMINISTER THIS POLICY**

6.1 The University shall ensure that a comprehensive set of resources is available to the University community for the purposes of preventing harassment and discrimination, creating a culture of safety and respect, and responding to complaints of discrimination and/or harassment under this Policy. Resources shall include: 1) a Harassment and Discrimination Education Committee; 2) Complaint Officers; and 3) the Human Resources Department (HRD).

### **6.2 Appointment of the Harassment and Discrimination Education Committee**

6.2.1 The President shall at his or her discretion appoint six (6) members to the Harassment and Discrimination Education

Normally, a meeting of the Committee shall be held twice per semester. Each Committee member should serve for a three (3) year term with the understanding that terms for student representatives may be shorter due to graduation. The President shall appoint members of the Committee as follows:

6.2.1.1 Two (2) faculty representatives who may be nominated by FAUST;

6.2.1.2 Two (2) staff/administration representatives, one (1) of whom may be nominated by STUSAU; and,

6.2.1.3 Two (2) representatives from the student body who may be nominated by the Student Union.

6.2.1.4 The President shall not unreasonably reject a nomination of FAUST, STUSAU, or Student Union.

### **6.3 The Role of the Committee**

6.3.1 The primary role of the Committee shall be to coordinate an educational program for the University community that focuses on aspects of harassment and discrimination.

### **6.4 Appointment of Complaint Officers**

6.4.1

- 6.5.8 To co-ordinate support services, in partnership with the HRD, for those who have experienced harassment or discrimination.
- 6.5.9 To maintain confidential records, in partnership with the Director of Human Resources, subject to disclosure required by law.
- 6.5.10 To monitor the effectiveness of this Policy and to make recommendations to the President for revisions.
- 6.5.11 To report to the President of the University once each year, subject to restraints of confidentiality.

**6.6. The Role of the HRD**

- 6.6.1 The primary role of the HRD is to be a resource to the Complaint Officers, the Committee, the appropriate University Official, and the President as required. This shall take the form of assisting the Committee with harassment and discrimination education initiatives, maintaining a list of qualified external resources (e.g., mediators, harassment investigators), and partnering with the Complaint Officer to select and hire an external resource when necessary.
- 6.6.2 The Director of Human Resources shall maintain all confidential records related to the Policy, subject to disclosure required by law.

**7.0 COMPLAINT REPORTING PROCEDURE**

- 7.1 Any person alleging that an act of harassment or discrimination has been committed against him/her shall report the incident(s) to a Complaint Officer.
- 7.2 Any person who is in search of guidance as to whether an act, comment, or gesture constitutes harassment and/or discrimination under this Policy, or who is uncertain as to what resolution options exist, may also seek the assistance of a Complaint Officer.
- 7.3 A third party may also initiate the application of this Policy where that person



7.5 Where the complaint does not appear to fall within the scope of the Policy, the Complaint Officer shall recommend to the Complainant



case), the Complaint Officer may recommend to the appropriate University Official that an external resource conduct an investigation on behalf of the University.

- 8.5.1.3 Once a formal complaint procedure has begun, each successive step should begin within a reasonable time period, typically ten (10) working days, of the conclusion of the previous step until the complaint is resolved.
- 8.5.1.4 Upon receiving a written request under the formal complaint procedure, the Complaint Officer will determine whether the alleged conduct falls within the scope of this Policy. If, in the opinion of the Complaint Officer, with or without consultation or preliminary investigation, the alleged conduct would not



**8.5.3 Decision, Discipline and/or Remedial Action**

8.5.3.1 The final disposition of the complaint will be determined by the appropriate University Official, in consultation with the Complaint Officer and the HRD.

8.5.3.2 If a person is a member of a bargaining unit, any formal

9.1.4 At all times, and during any stage of the procedures, the Complainant and the Respondent are entitled to have a support person present. The Complaint Officer will not act as a support person for either party but will remain a neutral third party. Additionally, unionized employees will have all rights to representation that their collective agreements confer.

## 9.2 **False Complaints and Retaliation**

9.2.1 Malicious complaints will be considered violations of this Policy. Any individual or group that makes a frivolous, vexatious, false, or bad faith complaint pursuant to this Policy breaches the Policy and may be disciplined.

9.2.2 Retaliation is also strictly forbidden against anyone who, in good faith, reports harassment or discrimination. Retaliation itself may result in a harassment investigation and decision under this Policy.

9.2.3 All persons involved in the application of this Policy shall immediately report threats and other safety concerns to the Complaint Officer.

9.2.4 Examples of retaliation include, but are not limited to, the following:

9.2.4.1 Unfair grading, evaluation, or assignments;

9.2.4.2 Purposely withholding information or making it difficult for an individual to obtain information in a timely manner, which may adversely affect that individual, such as class information, recommendations, grades, important events, etc.;

9.2.4.3 Ridicule or name calling in private and/or public;

9.2.4.4 Oral or written threats or bribes;

9.2.4.5 Refusal to meet with the Complainant or Respondent even though she or he has a right to a meeting; and/or,

9.2.4.6 Further harassment of any nature.

## 9.3 **Confidentiality**

9.3.1 All persons involved in proceedings under this Policy are expected to maintain the highest level of confidentiality. Breaches of confidentiality are considered a breach of this Policy and may therefore attract discipline and/or remedial action.

9.3.2 For the purposes of this Policy, confidentiality is not the same as anonymity. For a complaint to go forward to mediation or investigation and decision, the identity of the Complainant and the details of the complaint must be released to the HRD (and in cases involving students, Student Services), the Respondent, and others involved in the application of these procedures (e.g. the appropriate University Official).

#### **9.4 Consensual Relationships**

9.4.1 In complaints of sexual harassment that involve an alleged romantic or sexual relationship, where the Respondent has control over the employment or educational status of the Complainant, the burden of proof that the relationship was consensual rests with the Respondent.

### **10.0 ACCOUNTABILITY**

The Director of Human Resources will be responsible for communication, administration, and interpretation of this policy.

### **11.0 SECONDARY DOCUMENTS**

There are no additional supporting procedures or regulations under this policy.

### **12.0 REVIEW**

This policy shall be reviewed every five (5) years.

### **13.0 EFFECT ON PREVIOUS STATEMENTS**

This policy supersedes all previous policies on the subject.

### **14.0 CROSS REFERENCES**

There are no other policies cross-referenced under this policy.

Approved on February 24, 2018 by the Board of Governors