



**AMS  
INTERIM HARASSMENT AND  
DISCRIMINATION POLICY**

Date: September 2016

## *Section 1: Definitions*

- a) **“AMS”** means the Alma Mater Society of Queen’s University Incorporated and the Alma Mater Society of Queen’s University.
- b) **“Code”** refers to the Ontario Human Rights Code.
- c) **“Complaint”** refers to an allegation of Harassment and/or Discrimination in the Workplace that is pursued under the Harassment and Discrimination Policy and Procedure.
- d) **“Complainant”** refers to an Employee who alleges they have experienced Discrimination and/or Harassment under the Harassment and Discrimination Policy and Procedure and chooses to file a formal complaint.
- e) **“Complaints Process”** refers to the AMS’ process for handling complaints of Discrimination and/or Harassment as established under the Harassment and Discrimination Policy and Procedure. This process can only be started by an Employee who has allegedly experienced Discrimination and/or Harassment.
- f) **“Director of Human Resources”** refers to the Director of Human Resources of the AMS.
- g) **“Discrimination”** is a distinction without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an Employee on the basis of a Protected Ground. Discrimination and/or Harassment can be experienced directly or indirectly or through a Poisoned Environment. **“Discriminatory Harassment”** means engaging in a course of vexatious comments or conduct, based on a Protected Ground, which is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, racist jokes, sexual harassment or gender-based harassment.
- h) **“Employee”** means any individual employed by the AMS in any kind of position including salaried, wage, or volunteer positions. This include those conducting interviews, reviewing applications, or transitioning into an AMS position.
- i) **“Gender-Based Harassment”** is any form of Harassment on the basis of sex, sex-stereotyping, sexual orientation, or gender identity. It is behavior that reinforces and controls traditional heterosexual gender norms.
- j) **“Harassment”** includes Discriminatory Harassment, Workplace Harassment, and Workplace Sexual Harassment.
- k) **“VPUA”** means the Vice President (University Affairs) of the Alma Mater Society of Queen’s University.
- l) **“VPOPS”** means the Vice President (Operations) of the Alma Mater Society of Queen’s University.
- m) **“Harassment Advisors”** refers to those Employees appointed by the Director of Human Resources to administer this Policy and its related procedures and who have undergone Harassment Advisor Training administered by the Human Rights Office.

- n) **“Personal Information”** includes any information that identifies an individual as defined in s. 2 of the *Freedom of Information and Protection of Privacy Act* and its amendments.
- o) **“Poisoned Environment”** is created by comments or conduct that produce a discriminatory work environment and culture that condones Workplace Harassment. They need not be directed to a specific person and may be from any person regardless of their position. A single comment or action may create a poisoned environment if sufficiently serious. A Poisoned Environment can exist despite punishing individual harassers.
- p) **“Policy”** refers to this Harassment and Discrimination Policy.
- q) **“Procedure”** refers to the Harassment and Discrimination Procedure.
- r) **“Protected Ground”** includes race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex/pregnancy, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability, gender identity, and gender expression, and any other additional protected grounds that are added to Part 1 of the *Ontario Human Rights Code* by way of statutory amendment.
- s) **“Reporting”** refers to a procedure established under the Harassment and Discrimination Policy and Procedure for those who are not alleged to have experienced Discrimination or Harassment for reporting information concerning these instances in the Workplace. The Employee for example, may have witnessed, but not experienced, a case of Harassment and/or Discrimination, or may be unsure about whether or not what they experienced constitutes Harassment and/or Discrimination.
- t) **“Respondent”** refers to an Employee who is alleged to have engaged in behaviors of Discrimination and/or Workplace Harassment in a Report or Complaint.
- u) **“Supervisor”** refers to any Employee who has charge of a Workplace or authority over another Employee or work activity.
- v) **“Workplace”** means any place where Employees engage in employment activity, including employment activities outside the normal place of work, and employment activities that occur outside of normal working hours.
- w) **“Workplace Harassment”** 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, and includes Workplace Sexual Harassment. Workplace Harassment may include, for example, bullying. A reasonable action taken by the AMS or Supervisor relating to the management and direction of an Employee or a Workplace is not Workplace Harassment.
- x) **“Workplace Sexual Harassment”** includes gender-based harassment and means engaging in a course of vexatious comment or conduct against an Employee in a Workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance to any Employee. This

includes, but is not limited to, sexual solicitations or advances in which the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual Harassment may include, for example, unwelcome sexual advances. A person does not have to explicitly refer to another person's gender or be explicitly sexual for behavior to violate the *Ontario Human Rights Code*.

## ***Section 2: Purpose/Reason for Policy***

- a) This Policy is intended to be a proactive measure to prevent Discrimination and Harassment in the Workplace. It is meant to ensure that the AMS effectively addresses and responds to Reports and Complaints of Discrimination and/or Harassment in the Workplace.
- b) This policy is intended to protect and promote human rights within the AMS and ensure that Employees are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of the AMS.
- c) This Policy is intended to satisfy legal requirements regarding Discrimination and Harassment in the Workplace, including those of the Human Rights Code and the Occupational Health and Safety Act.

## ***Section 3: Scope of this Policy***

- a) This Policy applies to all Employees in the course of their employment with the AMS and is intended to address Discrimination and Harassment of Employees from all sources, including colleagues, coworkers, Supervisors, administrators, other members of the University community and the public.
  - i) This includes participation in events or activities that take place outside of normal business hours or outside the normal place of work but that are linked to the Workplace and employment.
  - ii) Electronic media (blogs, email, text message, and social media) can be found as extensions of the Workplace where harassment that is communicated has work-related consequences.
- b) This Policy does not prohibit Employees from pursuing resolution options through other external resources or processes. These include, but are not limited to, those offered by the Human Rights Legal Support Centre, the police, the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario.
- c) This Policy applies to all stages of the employment relationship, including the recruitment and transition process.

- d) Where it is alleged that an Employee has, in their capacity as a student, engaged in Discrimination and/or Harassment against an Employee, the matter will be addressed under the Queen's University Student Code of Conduct, 2016 and related procedures. However, the Director of Human Resources will be consulted in the process to ensure any investigation and/or corrective action satisfies the standards of this Policy.

## ***Section 4: Policy Statement***

- a) The AMS recognizes that all Employees have the right to be free from Workplace Harassment and/or Discrimination and is committed to providing a work environment free of sexual and gender-based harassment where all Employees are treated with respect and dignity and can contribute fully and have equitable opportunities.
- b) The AMS will not tolerate any unacceptable behavior including, but not limited to, epithets, remarks, jokes, innuendos related to any of the prohibited grounds in the *Ontario Human Rights Code*, posting or circulating offensive pictures or materials whether in print or electronically, singling a person out, humiliating, demeaning, or teasing because they are a member of a Code-protected group, and any comments ridiculing a person because of characteristics that are related to a ground of Discrimination.
  - i) Not explicitly objecting to harassing behaviour, or appearing to be going along with it does not make the behaviour acceptable and it can still be considered Harassment under the Code.
  - ii) The AMS recognizes that people may experience Discrimination or Harassment on the intersection of multiple grounds of Discrimination.
- c) The AMS will not penalize an Employee for submitting a Report or Complaint in good faith or for participating in an investigation.
  - i) A Complainant or Employee is protected from reprisal or the threat of reprisal whether Harassment and/or Discrimination is ultimately proven or not.
  - ii) An Employee who believes they have been penalized for submitting a Report or Complaint in good faith or for participating in a related investigation may pursue the allegation of reprisal by submitting a Complaint under this Policy and related Procedures.
- d) The AMS will respect the privacy of individuals involved in Complaints or Reports, ensuring information about a Complaint or Report is not disclosed, except to the extent necessary to investigate, take corrective action, take measures to protect the health and safety of Employees, and other actions required by law. Personal Information collected under this Policy will only be disclosed on a need-to-know basis to the extent disclosure is required to fulfill the AMS's legal obligations under the *Human Rights Code* and the *Occupational Health and Safety Act*. Personal Information will otherwise be kept

confidential, subject to applicable law, and will be stored for no more than two years past the termination or resignation of the Employee.

- e) The AMS and its Employees will administer the procedures set out in the Harassment and Discrimination Policy and Procedure, taking fair and prompt action to remedy the situation as soon as a Complaint or Report is brought to their attention. The AMS will take adequate regard to each individual case and its unique circumstances.
- f) The AMS will inform and update individuals who are involved in investigations about the status of those investigations as they are pursued.

## ***Section 5: Responsibilities***

### **Director of Human Resources**

- a) The Director of Human Resources is responsible for providing Employees with the appropriate information and instruction with respect to the Policy.
- b) The Director of Human Resources may initiate their own Report in response to information concerning Discrimination and/or Harassment in the Workplace and will apply the same process to such Reports in accordance with the Policy.
- c) The Director of Human Resources will ensure that Supervisors are aware of this Policy and related procedures.
- d) The Director of Human Resources will ensure that copies of this Harassment and Discrimination Policy and Procedure will be posted publicly where it is likely to come to the attention of Employees.
- e. The Director of Human Resources will ensure that all Offices and Services have a printed copy of the Harassment and Discrimination Policy and Procedure and ensure accessible copies are available to all employees upon request.
- f. The Director of Human resources shall appoint 6-8 Harassment Advisors annually. Advisors shall include: the VPUA, the VPOPS, Social Issues Commissioner, the Director of Human Resources, the Peer Support Centre Manager, the Clubs Manager and one Service Director.

### **Harassment Advisors:**

- a) Harassment Advisors will listen and support Employees who have concerns regarding Workplace Harassment and Workplace Discrimination.
- b) Harassment Advisors are responsible for receiving and responding to Complaints and Reports under the Policy. Harassment Advisors may initiate their own Report in response to information concerning Discrimination and/or Workplace Harassment.
- c) Harassment Advisors will ensure the outcome of an investigation under this Policy and corrective actions taken (if any) are communicated in writing to Respondent(s) and Complainant(s).

**Employees:**

- a) Employees are expected to refrain from committing any form of Harassment or Discrimination.
- b) Employees are encouraged to report incidents of Discrimination or Harassment by communicating the incidents to their Supervisor. In the instance that their Supervisor is responsible for the Harassment and/or Discrimination, the Employee should refer to the *Interim Harassment and Discrimination Procedure, Step: 2*.
- c) Where it is requested, Employees shall participate in the Complaints Process, the Reporting Process, and/or any other related investigation.
- d) Employees who are found to have engaged in Discrimination or Harassment under this Policy will comply with the corrective measures deemed appropriate under the Policy.

**Supervisors:**

- a) Supervisors shall lead by example, acting respectfully in dealings with all Employees.
- b) Supervisors are responsible for familiarizing themselves with this Policy and for directing Employees to resources as appropriate.
- c) Supervisors shall assist in the promotion of a respectful Workplace environment.
- d) Supervisors must ensure information is reported to Harassment Advisors in the form of a Report or Complaint when they become aware of Discrimination and/or Harassment.

**The AMS Social Issues Commissioner:**

- a. The AMS Social Issues Commissioner is responsible for acting as the primary resource for human rights-related education.
- b. The AMS Social Issues Commissioner is responsible for raising awareness with respect to issues of Discrimination and Harassment, and for promoting a climate of understanding and mutual respect within the Workplace.
- c. The AMS Social Issues Commissioner shall provide a confidential service except in circumstances defined in the Policy and Procedures or under the law.