



Harassment, Discrimination,
and Violence in the Workplace Policy and Program

September 2016
Revised April 2019

Purposes of Policy and Program

This Policy and program is intended to:

- a) to be a proactive measure to prevent harassment, discrimination, and violence in the workplace even if no one objects to the action(s), and/or comment(s). It is meant to ensure that the AMS effectively addresses and responds to reports, complaints, and behaviours of harassment, discrimination, and/or violence in the workplace. Because management is ultimately responsible for worker health and safety, we will take whatever steps are reasonable to protect employees/volunteers from harassment, discrimination, and violence from all sources.
- b) protect and promote human rights within the AMS and ensure that all those who hold a position in the AMS are aware that harassment, discrimination, and violence are unacceptable practices and are incompatible with the standards of the AMS.
- c) satisfy legal requirements and ethical responsibilities regarding harassment, discrimination, and violence in the workplace, including those of the *Ontario Human Rights Code*, the *Employment Standards Act*, and the *Occupational Health and Safety Act*.

Definitions

“**AMS**” means the Alma Mater Society of Queen’s University Incorporated and the Alma Mater Society of Queen’s University.

“**Code**” refers to the Ontario Human Rights Code.

“**Complaint**” refers to an allegation of harassment, discrimination and/or violence in the workplace that is pursued under the *Harassment, Discrimination, and Violence in the Workplace Policy*.

“**Complainant**” refers to an employee/volunteer who alleges they have personally experienced discrimination, harassment, and/or violence in the workplace under the *Harassment, Discrimination, and Violence in the Workplace Policy and Program* and chooses to file a formal complaint.

“**Complaints Process**” refers to the AMS’ process for making and handling complaints of discrimination, harassment and/or violence in the workplace established under the *Harassment, Discrimination, and Violence in the Workplace Policy and Program*. The complaint process can only be started by an employee/volunteer who has allegedly experienced discrimination, harassment and/or violence.

However, everyone has a duty to report an issue or incident which may be a potential violation of this Policy (see “Reporting” definition).

“**Conflict of Interest**” is a situation in which a person is involved in multiple interests and serving one interest could involve working against another. Per AMS Hiring and Appointment Policy, conflicts of interest include past, present, or future housemates or relationships (familial or otherwise). Furthermore, it can be a situation in which the concerns or aims of two different parties are incompatible and the person is able to derive personal benefit from actions or decisions made in their official capacity.

“**Decision-Making Body**” is composed of the Executive and the General Manager.

“**Discrimination**” The *Ontario Human Rights Code* (“*Code*”) protects people from discrimination in specific situations. Under the *Code*, you have the right to be free from discrimination in five parts of society – called social areas – based on one or more grounds. The five social areas are: employment, housing, services, unions and vocational associations and contracts.

Discrimination based on 17 different personal attributes, called grounds, is against the law under the *Code*. The grounds are citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing), and record of offences (in employment).

An employee/volunteer’s rights under the *Code* are not violated unless the discrimination occurs in one of the social areas based on one or more of the protected grounds. For example, the *Code* does not apply if a stranger on the street insults you by making a racist comment, because this did not happen in a specific social area, such as at your job or in a restaurant. The *Code* will also not apply if you feel you were treated differently in your job due to a personality conflict with your manager, because the treatment is not related to a ground such as your age, sex, or race.

“**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.

“Domestic Violence” A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner, or a family member – and causes physical harm, or attempts or threatens to physically harm that worker at work. In these situations, domestic violence is considered workplace violence.

“Employee” means any individual employed by the AMS in any type of position including those transitioning into or out of an AMS occupation.

“Ethical Responsibilities” or “social responsibilities” means operating the AMS in ways that don’t cause harm to the organization and its employees/volunteers while aiming to have a positive impact on the surrounding environment.

“Executive” means those holding the positions of President, Vice President (Operations), and Vice President (University Affairs).

“Gender-Based and/or Sexual Harassment” is any form of harassment based on sex, sex-stereotyping, sexual orientation, or gender identity. It is behavior that reinforces and controls traditional heterosexual gender norms. It includes, but is not limited to:

- a) Any reward or promise, whether explicit or implicit, for complying with a sexual solicitation or advance; a demand for dates or sexual favours; or propositions of physical intimacy;
- b) Any reprisal or threat of reprisal, whether explicit or implicit, for refusing to comply with any sexual solicitation or advance;
- c) Any form of sexual exploitation, or conduct that takes non-consensual sexual advantage of someone;
- d) Unwelcome sex or gender-related comments about a person’s physical characteristics, mannerisms, gender identity, or expression;
- e) Sex or gender-related verbal abuse, threats or taunting;
- f) Workplace Sexual Harassment;
- g) Any other comment or conduct associated with sex, sexual orientation or gender, including gender identity or expression, that is known, or should be reasonably known, to be offensive, embarrassing, humiliating, demeaning, intimidating or isolating to an individual or group.

“Harassment” includes Discriminatory Harassment, Workplace Harassment, and Workplace Sexual Harassment. It is improper conduct if an individual knew or ought reasonably to have known their behaviour would cause offence or harm. It consists of objectionable act(s), comment(s), or display(s) that demean, belittle, threaten, intimidate, or cause personal humiliation or embarrassment. It also includes harassment as defined in the *Ontario Human Rights Act*.

“Harassment Advisors” refers to employees holding the designated positions outlined in this Policy and those employees, if any, appointed by the Director of Human Resources to administer this Policy.

The positions designated as Harassment Advisors are VPUA, VPOPS, Social Issues Commissioner, Director of Human Resources, Peer Support Centre Manager, Common Ground Head Manager, and AMS General Manager.

“Incident” means an occurrence or event witnessed by any individual.

“Investigative Panel” means those holding the positions of Director of Human Resources and General Manager plus a Harassment Advisor of their choosing. They are responsible for determining if a complaint has the validity to be investigated; conducting both informal or formal resolution processes, as applicable; conducting investigations; determining if interim sanctions are necessary and, if so, what those will be; and making recommendations for final decisions, sanctions and remedies to the Decision-Making Body.

“No Contact Order” is a condition which may be placed on one or both parties by the Investigative Panel during the investigation process not to have any contact with each other and/or any other person identified in the order, such as witnesses. No contact covers all types of contact including direct or indirect and includes, but is not limited to, phone calls, texts, email, social media, visits, regular mail, passing messages through third parties, or any other digital means.

“Personal Information” includes any recorded information that identifies an individual including, but not limited to, information relating to race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status, education, medical, criminal or employment records/history. It also includes any assigned identifying number, address, and individual’s name where doing so would reveal other information about them.

Personal Information *does not* include the personal opinions or views of an individual where they relate to another individual.

“Poisoned Environment” is created by comments or conduct that produce a discriminatory work environment (see “Discrimination” definition) and/or culture that condones workplace harassment. It need not be directed to a specific person and may originate 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.

A poisoned environment cannot, however, be based only on your personal views. You must have facts to show that an objective person would see that the comments or conduct would make a person feel unwelcome based on *Code* grounds.

“Policy” refers to this Harassment, Discrimination, and Violence in the Workplace Policy and Program.

“Procedures” refers to the Harassment, Discrimination, and Violence in the Workplace Procedures.

“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.

“Reporter”/ “Reporting” refers to a procedure established under the *Harassment, Discrimination, and Violence in the Workplace Policy and Program* for those who have not experienced discrimination or harassment themselves but are reporting information concerning these alleged instances in the workplace. An employee/volunteer for example, may have witnessed, but not personally experienced, a case of harassment, discrimination and/or violence, or may be unsure if what they experienced constitutes harassment, discrimination and/or violence. In these instances, the employee/volunteer has a duty to report the incident.

“Reprisal” is an action or threat that is intended as retaliation for claiming or enforcing a right under the *Code* which may include adverse actions by a person who has the authority to confer, grant or deny a benefit or advancement to the person filing a complaint.

“Respondent” refers to an employee/volunteer who is alleged to have engaged in behaviors of discrimination, workplace harassment and/or violence.

“Restorative Justice” focuses on restoring any losses suffered, holding Respondents accountable for the harm they have caused, and building bridges through reconciliation with those involved and the larger community as that relates to the AMS.

“Senior Management” means AMS Executive, AMS Directors, and AMS Commissioners.

“Supervisor” refers to any employee/volunteer who has charge of a workplace or authority over another employee/volunteer or work activity.

“Systemic Discrimination” means policies and/or institutional practices which, deliberately or not, have the effect of creating or perpetuating disadvantage and discrimination against identifiable groups on any of the grounds prohibited by the *Human Rights Code*.

“Vexatious” is defined by the *Oxford English Dictionary* as:

“Instituted without sufficient grounds for the purpose of causing trouble or annoyance.”

“Volunteer” refers to any person engaged by the AMS to serve in a voluntary capacity.

“VPUA” means the Vice President (University Affairs) of the AMS.

“VPOPS” means the Vice President (Operations) of the AMS.

“Workplace” means anyplace where employees/volunteers engage in AMS activities, including activities outside the normal place of work, and activities that occur outside of normal working hours.

“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, cause offence, or harm, and includes workplace sexual harassment.

Workplace harassment may include, for example, bullying, innuendos, slurs or name-calling.

A reasonable action taken by the AMS or a supervisor relating to the management and direction of an employee/volunteer or a workplace is not workplace harassment.

“Workplace Sexual Harassment” includes gender-based harassment and means engaging in a course of vexatious comment or conduct against an employee/volunteer 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/volunteer. This includes, but is not limited to, sexual solicitations or advances in which the person making the solicitation or advance is able to confer, grant or deny a benefit or advancement to the employee/volunteer 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*.

“Workplace Violence” Workplace violence is defined in the *Occupational Health and Safety Act (OHSA)* as the exercise or attempted exercise of physical force by a person against a worker,

in a workplace, that causes or could cause physical injury to the worker, or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker and includes domestic violence. This definition of workplace violence is broad enough to include acts that would constitute offences under *Canada's Criminal Code*.

This may include verbally threatening to attack a worker; leaving threatening notes at, or sending threatening e-mails to, a workplace; shaking a fist in a worker's face; wielding a weapon at work; hitting or trying to hit a worker; throwing an object at a worker; sexual violence against a worker; kicking an object at worker ; or trying to trip a worker while they are carrying food.

Scope of Policy/Jurisdiction

- a) This Policy applies to all employees and volunteers during their time with the AMS and is intended to address harassment, discrimination, and violence from, or shown to, employees/volunteers from all sources, including colleagues, coworkers, supervisors, administrators, other members of the university community, and the public.
 - i) It includes participation in events or activities that take place outside normal business hours or outside the normal place of work but are linked to the workplace and an employee/volunteer's affiliation with the AMS.
 - ii) Electronic media (blogs, email, text messages, and social media) will be considered extensions of the workplace where harassment, discrimination, and/or violence that is communicated has work-related consequences.
 - iii) Harassment, discrimination, and/or violence as it pertains to this Policy could be a single act, repeated acts, or be part of a pattern of behaviour that taken in its entirety constitutes a violation of this Policy.
- b) The AMS is obliged to investigate not only complaints, but also "incidents" of harassment, even if there has been no formal complaint from an employee/volunteer.
- c) This Policy applies to all stages of an employee's/volunteer's AMS relationship, including the recruitment and transition processes.
- d) The AMS has no authority to investigate incidents where the alleged Respondent does not fall under its jurisdiction. However, the AMS reserves its right to take any steps necessary to protect its employees/volunteers from harassment, discrimination and/or violence perpetrated by members of the public.
- e) This Policy does not apply to any AMS ratified clubs or any of the AMS member faculty societies.

- f) This Policy does not prohibit employees/volunteers from pursuing redress through 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*.

Should this be the case, the Investigative Panel, in consultation with the Executive, will determine if proceedings under this Policy will also be initiated. If proceedings have already been initiated, they will determine, on a case by case basis, if the proceedings should be permanently discontinued or be suspended until any external proceedings are concluded. Interim measures may be put in place to safeguard the involved parties.

- g) This Policy is not intended to supersede or interfere with the criminal justice system.
- h) Where it is alleged that an employee/volunteer has, while off duty, engaged in harassment, discrimination, or violence against an employee/volunteer, an assessment will be made by the Investigative Panel to determine if the allegation is a workplace issue, or if it falls outside of the scope of the AMS. If a determination is made that the harassment, discrimination, or violence was perpetrated by the employee/volunteer in the capacity of their personal life, options for resolution will be provided to Complainant. If the determination is made that the matter is a workplace issue, it will be investigated in accordance with this Policy.
- i) This Policy supersedes the Policy Infringement Protocol in any circumstance in which there is a disparity between the two Policies.

Prevention, Education and Training

- a) Prevention through education is a fundamental component of the AMS's commitment to addressing harassment, discrimination, and violence and to that end we provide all staff with self-care; anti-hazing; campus safety and security; and anti-oppression training annually.
- b) Further training may be provided for those who have specific responsibilities related to this Policy.

Confidentiality and Privacy

- a) The AMS recognizes the importance of confidentiality for anyone coming forward with an issue, incident, or complaint and for anyone named as an alleged Respondent and will protect confidentiality to the extent permitted by its legal obligations. 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' 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 seven years following the conclusion of an investigation.
- b) Further to the above clause, a Complainant has the right to demand that their confidentiality not be breached. If that is the case, their wish will be respected. However, they should understand that this could seriously hinder or stop an investigation and any possible remedies afforded to them by this Policy.
- c) The AMS will protect Personal Information and handle records in accordance with its own policies on record retention and disposition, including its *Information and Records Management Policy*.
- d) Individuals may speak in confidence, subject to the provisions of this section and the limitations below. In such cases, only the minimum amount of information needed to address the matter and/or meet requirements will be disclosed. Limitations to confidentiality exist when:
 - i) An individual is at risk of harm to self or of harming others;
 - ii) An individual is at risk of harming others;
 - iii) There are reasonable grounds to be concerned with risk of future violence, the safety of the AMS and its employees/volunteers, and/or the broader community;
 - iv) Disclosure is required by law; to comply with the *Occupational Health and Safety Act*; and/or with human rights legislation;
 - v) Evidence of the disclosed incident is available in the public realm (i.e. video shared publicly on social media); and/or
 - vi) Where there is a need for notification to comply with the reporting requirements of regulatory bodies.

Roles and Responsibilities

AMS EMPLOYEES/VOLUNTEERS

All AMS employees/volunteers are responsible for contributing to and maintaining an environment free of harassment, discrimination, and violence; participating in education/training programs when appropriate; and participating in investigations, if requested to do so.

Any employee/volunteer who becomes aware of an issue, incident, or complaint of a potential violation of this Policy **must** contact a Harassment Advisor for guidance and advice to address the matter as appropriate to the circumstances. In many cases, matters may be adequately addressed through the fact-finding and allow for an informal resolution.

Should an employee/volunteer be asked to participate in an investigation, they will only be provided with as much information as is required to obtain their evidence. They will be advised of their obligation to maintain confidentiality and asked to sign the Confidentiality Agreement attached as Appendix 2.

All employees, regardless of any specific duties as they pertain to this Policy, will make known and recuse themselves from their role should a conflict of interest exist. Should the conflict exist with a member of the Investigative Panel, they will be replaced by a Harassment Advisor who is not in a position in which there is a conflict of interest.

AMS SUPERVISORS

AMS supervisors **must** refer individuals coming forward with a potential harassment, discrimination, and/or violence issue to a Harassment Advisor.

AMS supervisors are responsible for modelling acceptable standards of behavior; supporting any employee/volunteer who, in good faith, reports a potential violation of this Policy; protecting them from reprisal; cooperating with any investigation and in the implementation of interim measures and/or sanctions; completing all required training; and ensuring their employees/volunteers are appropriately trained, specifically on their responsibilities under the *Occupational Health and Safety Act* as it relates to workplace harassment, discrimination, and violence.

HARASSMENT ADVISORS

Harassment Advisors serve as the first point of contact for an individual who wishes to bring forward a potential violation of this Policy. They will protect the individual from reprisal; and cooperate with any investigation and in the implementation of interim measures and/or sanctions. They often serve as the liaison between a Complainant and Investigative Panel and can accompany a Complainant to interviews if the Complainant wishes.

A Harassment Advisor may be asked by the Investigative Panel to assist with the administrative aspects of an investigation such as arranging interview schedules and meeting locations.

INVESTIGATIVE PANEL

The Investigative Panel is responsible for assessing every Complaint of a potential violation of this Policy and for reviewing issues and incidents of which they become aware. They are responsible for managing the complaint which includes informing all parties of the option for informal resolution, managing the informal resolution process, determining if an investigation is necessary and, if so, managing the investigation.

The Investigative Panel may draw upon expert resources to support their investigation. When necessary, identities will be disclosed only on a need-to-know basis for the Panel members to have full knowledge of the details of any complaint.

At the conclusion of an investigation, the Investigative Panel will forward their recommendations for any finding, decisions, remedies and/or sanctions, if any, to the Decision-Making Body for their approval.

SENIOR MANAGEMENT/EXECUTIVE

The over-arching responsibility for maintaining an environment free from harassment, discrimination, and violence and for providing the resources required to support this objective belong to AMS senior management/executive. They are responsible for promoting awareness of what constitutes an environment free from harassment, discrimination, and violence.

DECISION-MAKING BODY

The Decision-Making Body is responsible for approving the finding, decisions, remedies, and sanctions of the Investigative Panel before they are communicated to the appropriate parties.

OUTSIDE INVESTIGATORS

The Investigative Panel may appoint an external investigator if internal methods of resolution are unsuccessful or they may, in their sole discretion, decide that a complaint would best be handled by an outside investigator (e.g. violence including sexual, workplace, or domestic). If so, the responsibilities of all employees/volunteers under this Policy extend to the investigator. The external investigator will conduct the investigation independently and submit a written report and recommendations to the Investigative Panel for their consideration and further recommendations to the Decision-Making Body.

Options for Resolution

Communicate Directly

Individuals who have experienced unwelcome comment(s) or conduct by another person are encouraged, although not obliged, to make it known to the other person that their behaviour is unwelcome.

In situations where there is a power imbalance, and it is believed that addressing the other person could lead to an escalation of the comment(s) or conduct or to safety risks, this approach may not be appropriate. If the problem is not resolved, or if the individual feels they cannot speak directly to the other person, they should notify a Harassment Advisor.

Resolution with Assistance

Individuals may inform/seek assistance from their supervisor, a Harassment Advisor, the Director of Human Resources, or the person who has formal oversight of their department for help with the situation and determining the appropriate course of action. Employment matters such as those related to discipline or supervisory instruction/direction are generally not of a harassment, discrimination or violence nature and should remain under the jurisdiction of the management structure. Should there be any question of interpretation with respect to the situation falling underneath this Policy, the resolution process below must be followed.

If either of the two methods above do not result in elimination of the unwelcome behaviour or conduct, individuals and who have personally experienced harassment, discrimination, and/or violence should commence a resolution process by contacting a Harassment Advisor and completing a Complaint Form (Appendix 1).

Filing a Complaint or Reporting an incident is extremely sensitive and often complex. Individuals should review the preceding Confidentiality and Privacy section of this Policy prior to pursuing one of these options so they are aware of the reporting obligations of the AMS.

At all times, the emotional and physical safety of the Complainant is paramount. The objective in managing complaints is to ensure that issues are brought to the attention of the organization and appropriately dealt with. The wellbeing of the workplace is also a consideration.

The Harassment Advisor will meet with members of the Investigative Panel to review the complaint to confirm it is valid and falls within the scope of this Policy; consider *Occupational Health and Safety Act* requirements. They will jointly determine if more information is required to fully understand the incident; and ultimately decide if interim measures are required to move the process forward as described in the *Investigations* section of the Policy. Individuals may pursue one or more of the resolution options below.

INFORMAL RESOLUTION

Informal resolution is an option if both the Complainant and Respondent are willing to resolve the issue in this manner. Should informal resolution be unsuccessful, the formal resolution process will begin. At any time during either process the Complainant and Respondent can agree to return to the previous process provided progress is being made and there is a likelihood of appropriate resolution.

Options for informal resolution may include some fact-finding discussion(s), clarification of the issues, facilitated conversations, informal dispute resolution, coaching, reconciliation, restoration justice measures, and mediation.

Any corrective measures, decisions and/or sanctions agreed to by the Complainant and Respondent do not require a review and decision by the Investigative Panel or Decision-Making Body. The agreed outcomes are given the full force of this Policy as if they were approved by the Decision-Making Body and constitute resolution of the complaint and closure of the file.

FORMAL RESOLUTION

A formal resolution would commence like an informal resolution, by filing a Complaint. Thereafter it would be handled as outlined in the ***Investigations*** section of this Policy. Individuals who come forward with a Complaint (Complainants), individuals about whom allegations are made (Respondents), and witnesses may, at any stage of any of the investigation, be accompanied by an advisor of their choosing, which may include a colleague or legal counsel (at their own expense).

The role of the advisor in accompaniment is limited. The only appropriate role for the advisor is to provide advice to the party who has requested their presence in a manner which does not disturb the investigation process. If an advisor fails to act in accordance with these guidelines, they may be barred from participation in the proceedings.

Rights to confidentiality and conditions where confidentiality cannot be maintained will be reviewed with the Complainant or Reporter. A Harassment Advisor, in coordination with the Investigative Panel, will conduct an interview to get all relevant facts, which involves listening to the Complainant or Reporter; asking clarifying questions to understand the details of the incident; and taking notes. The interview may be recorded for the possible future use of the Investigative Panel.

Investigations

The Investigative Panel manages all investigations. They determine if an investigation is required; decide if interim measures are required; decide the scope of the investigation; establish expected timelines for the investigation; conduct investigations or determine if the investigation would be better suited to an external investigator; define an appropriate, respectful method to communicate with the Complainant and Respondent throughout the investigation; ensure the Complainant and Respondent are provided with pertinent written details of the investigation and its timelines; consider and coordinate any accommodation(s), interim measures, confidentiality requirements; and interview witnesses.

DECISION NOT TO INVESTIGATE

A decision may be made not to investigate if the Investigative Panel believes the complaint is out of the AMS' jurisdiction, frivolous (does not have serious purpose or value; is of little or no weight, worth, or importance), vexatious, or there has been a failure to establish sufficient evidence. If any of these is the case, the Investigative Panel's recommendation will be communicated to the Decision-Making Body, in writing, stating reasons, for their approval. The final decision will then be communicated, in writing, to the appropriate parties.

INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES

It may be necessary to take interim measures to safeguard the environment of Complainants and/or Respondents. These measures may include, but are not limited to, the rearrangement of responsibilities and/or activities, administrative leave, and/or the implementation of a "no contact" order.

Administrative leave is non-disciplinary and is designed to separate a person from a situation or another person until the matter is resolved. An individual on this leave can continue to access relevant AMS support services. Interim measures imposed on any party shall not be construed as evidence of guilt; a finding of a violation of this Policy; an affirmation of innocence; or a finding of a non-violation of this Policy.

The Investigative Panel considers, recommends, coordinates, and reviews interim measures; facilitates any planning; and considers any other responses that may be necessary. Due consideration will be given to the effect that the filing of a Complaint may have on both parties in the case of any kind of supervisory relationship, as well as the need to preserve future working relationships and the well-being of the workplace more generally.

The authority to approve any interim measures rests with the Investigative Panel. Any interim measures taken will be reviewed periodically to ensure they remain necessary and appropriate and will not extend beyond the final resolution of a complaint.

INVESTIGATION GUIDELINES

The Investigative Panel will follow the principles of procedural fairness in their investigations which include a fair and unbiased assessment of the issue/complaint/allegation; the right of a Respondent to know the allegation against them; a meaningful opportunity to provide evidence and witnesses in response; an investigation without undue delay; and the right to an impartial investigative process.

The Investigative Panel will collect evidence impartially and interview any available witness(es) deemed relevant. Respondents are expected to participate in any investigation. Their lack of participation will not stop an investigation from proceeding.

Complainants, Respondents, and witnesses have the option of being accompanied by a Harassment Advisor or other advisor of their choosing.

Anyone who meets with a Harassment Advisor or member of the Investigative Panel is required to keep any information shared confidential to ensure the integrity of the process. Failure to do so could be considered a breach of the “Confidentiality and Privacy” section of this Policy and may result in disciplinary action. The only exceptions to this would be information sharing with any advisor; pursuing options external to this Policy; or if legally required to do so.

An individual who was not previously identified as a potential Respondent but who, during an investigation, is identified as such, will be notified and given an opportunity to meet with the Investigative Panel and respond to any allegations. These new allegations may cause a new, separate investigation to be undertaken or expand the scope of the original investigation. Should an investigation extend beyond 60 days, there will be a full review by the Investigative Panel to assess progress, fairness to the parties, thoroughness, timeliness, confidentiality, and to consider any necessary next steps.

Findings, Decisions and Sanctions

All findings, decisions, and sanctions are made as recommendations by the Investigative Panel to the Decision-Making Body and must receive their approval prior to any communication to the appropriate parties.

A FINDING OF NO VIOLATION OF THE POLICY

The Complainant and Respondent will receive a written decision from the Investigative Panel that outlines the decision that there has been no violation; the reasons for the decision; and a summary of the findings.

A FINDING OF HARASSMENT, DISCRIMINATION, OR VIOLENCE

The Complainant and Respondent will receive a written decision from the Investigative Panel that includes the decision that there is a violation; the reasons for the decision; and a summary of the findings. The Respondent will receive confirmation of any interim measures enacted until remedies and/or sanctions are imposed. The Complainant will receive information about any interim measure(s) that will have a direct impact on them, such as a no-contact order and the length of time the interim measures will be in place.

DETERMINATION OF SANCTIONS AND REMEDIES

The Investigative Panel shall consider any mitigating and/or contextual factors in determining/implementing appropriate remedies and/or sanctions. The Respondent will be informed, in writing, of all sanctions/remedies imposed. The Complainant will receive, in writing, information about any sanctions/remedies, which have a direct impact on them and within the constraints of relevant legislation.

The AMS will comply with any legal obligation to communicate the results of an investigation to an external agency.

Sanctions will be decided based on the factors of each individual case and shall be proportional to the severity of the offence. If there are mitigating and/or contextual factors in determining/implementing the sanction(s), the reasons shall be clearly communicated by the Investigative Panel to all appropriate parties. Previous violations of this Policy committed by this Respondent will be considered in the determination of sanctions. A combination of sanctions may be issued for any single violation.

Sanctions for breaches of this Policy are outlined below and may include, but are not limited to:

- a) a written reprimand;
- b) inclusion of the decision in the Respondent's employee/volunteer file for a specified period;
- c) exclusion of the Respondent from one or more AMS designated activities;
- d) a "No Contact" order, which may include restrictions on attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party, etc.) with specific individual(s) or groups;
- e) Persona Non-Grata designation denying an individual entrance to designated portions of university buildings and/or grounds under the control of the AMS. If found in the area to which they are denied, they will be subject to a charge under Ontario's *Trespass to Property Act*; and/or
- f) Termination of employment.

Remedies may include, but are not limited to:

- a) letter of apology;
- b) referral to counselling and/or support services;
- c) attendance at education sessions on harassment;
- d) coaching (one-on-one remedial human rights coaching, conflict coaching);
- e) rearrangement or modification of the Complainant's employment arrangements, including leave or change in work responsibilities;
- f) group conflict resolution and mediation processes focused on restoring productive and harmonious working/learning environments; and/or
- g) restorative justice processes, if they have cultural relevance.

SYSTEMIC AND PREVENTIVE INTERVENTIONS

An investigation may reveal broader issues which need to be addressed. If this is found to be the case, appropriate educational and preventive intervention measures and/or changes to operational practices may be recommended by the Investigative Panel, in a written report, to the Decision-Making Body. The wellbeing of the workplace is of critical importance and must be considered when determining appropriate measures in response to issues which need to be addressed.

Protection from Reprisal

The AMS specifically prohibits reprisal or threats of reprisal against any individual who, sincerely and in good faith, makes use of, or participates in, any process of this Policy. Any individual who believes they are the subject of a reprisal or threat of reprisal shall report this to a Harassment Advisor or Investigative Panel, where appropriate. Any individual found to be making such reprisals or threats will be subject to the sanctions outlined in this Policy and/or the *Student Code of Conduct*, as deemed appropriate.

Cooperation and Self-Incrimination

It is possible that individuals questioned, as witnesses, informants, or bystanders, about an alleged violation of this Policy may, by cooperating, reveal their own infraction of a university regulation or code (e.g. alcohol use, unsanctioned use of university/AMS facilities). Given the AMS' commitment to addressing harassment, discrimination, and violence, every effort will be made to support individuals who come forward and, if appropriate and possible, take their cooperation into account if any sanction applies to their own conduct.

Right to Review

The Complainant and Respondent will be informed of their right to request a review of the Decision-Making Body's decision if they believe that the guidelines of this Policy were not followed. A request for review of the Decision-Making Body's decision must be made in writing to the Chair of the AMS Board of Directors within 3 business days of receipt of the written decision. The Chair will form a committee ("Committee") to conduct the review which will be comprised of 3 members one of which includes the Chair.

The request for review shall state the grounds for the review and shall include any supporting evidence/documentation. The onus is on the party requesting the review to provide evidence and a substantive basis to support the grounds for review. Only where there is clear and compelling evidence that the decision of the Decision-Making Body was not made in adherence to the guidelines of this Policy which resulted in a substantively different decision than that of the Committee will the Committee overturn the decision of the Decision-Making Body and substitute its own decision.

The party requesting the review and the Decision-Making Body will be informed, in writing, of the decision of the Committee within two weeks of receipt of the request for review. The decision of the Committee will be final and there shall be no further right to review.

APPENDIX 1

Employee/Volunteer Harassment, Discrimination and Violence Complaint Form

Private and Confidential

Instructions for completing this form: This form is intended for the use of employees only to report complaints and/or incidents they believe violate the AMS Harassment, Discrimination, and Violence in the Workplace Policy and Program and/or the *Ontario Human Rights Act*. Please ensure that you fill out every section of the form accurately, attach any supporting documentation you may have and ensure that it has been signed and dated. If you are unable to attach relevant supporting documentation, please attach a list detailing the documentation and persons who may be in possession of it. This form may be completed by the employee/volunteer and given to a Harassment Advisor **or** may be completed in a meeting with a Harassment Advisor.

Complainant/Reporter Information

First Name	Last Name
Job Title	
Telephone Number	Alternative Telephone Number
Email	Work Location

Details of Person(s) Involved in the Complaint

Person 1		
First Name	Last Name	
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other (may include victim): _____		
Person 2		
First Name	Last Name	
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing): <input type="checkbox"/> Witness: <input type="checkbox"/> Other (may include victim): _____		

Person 3

First Name

Last Name

Telephone Number

Alternative Telephone
Number

Work Email

Respondent (alleged to have engaged in wrongdoing)

Witness

Other (may include victim): _____

Complaint Details

Include dates, times, location, witnesses, and details of specific behaviour (physical, verbal, other) and/or words used. Include details if an after-hours event. If so, provide details. Were there any injuries or property damage reported? Was medical attention required? Was any time missed from work because of the incident? Is a WSIB Form 7 required? Provide full details of any injuries, property damage, repairs, medical treatment. Were police, campus security, or Student Constables called? If so, provide details. Attach additional pages if necessary

Describe immediate actions taken (e.g. contacted supervisor, told respondent to stop behavior, call 911, etc.)

Complaint Ground (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Record of Offence |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Reprisal |
| <input type="checkbox"/> Citizenship | <input type="checkbox"/> Sex (including Pregnancy & Breastfeeding) |
| <input type="checkbox"/> Colour | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Creed/Religion | <input type="checkbox"/> Sexual harassment (Sex) |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Sexual harassment (Sexual orientation) |
| <input type="checkbox"/> Ethnic Origin | <input type="checkbox"/> Sexual harassment (Gender Identity) |
| <input type="checkbox"/> Family Status | <input type="checkbox"/> Sexual harassment (Gender Expression) |
| <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Workplace Harassment |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Level of Literacy |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Membership in a Union or Staff Association |
| <input type="checkbox"/> Place of Origin | <input type="checkbox"/> Political Affiliation |
| <input type="checkbox"/> Race | <input type="checkbox"/> None of the above: _____ |

Employee/Volunteer (Complainant) Signature	Date (yyyy-mm-dd)
--	-------------------

The employee/volunteer signature attests that this statement accurately reflects their description of the occurrence.

Report Received By: _____

Date: _____

APPENDIX 2

Confidentiality Agreement for Harassment, Discrimination, and Violence in the Workplace Policy and Program

Your participation in an investigation under the Harassment, Discrimination, and Violence in the Workplace Policy will likely necessitate the sharing of personal information that is confidential.

Therefore, you agree and understand that information disclosed to you during an investigation under this Policy must be held in strict confidence, subject to applicable law, and that you are prohibited from divulging or communicating this information to a third party both during and after your term with the AMS. Any breach, on or off duty, of this Agreement will be taken seriously and may result in disciplinary action, up to and including dismissal.

I, (name of employee/volunteer) _____ acknowledge that I have read, understand and agree to abide by this Agreement.

Signature of Employee/Volunteer

Date

Signature of member of Investigative Panel
(acting as Witness)

Date