

Policy No. & Title: **P208: PREVENTION OF DISCRIMINATION AND HARASSMENT**

Policy Sponsor: Vice-President, People and Culture

Effective: 2026-04-01

Next Review: 2027-04-01 ****Requires annual review****

Approvals: See attached Record 1: APPROVALS

1. PURPOSE

The purpose of this policy is:

- To confirm the right of every College community member to a learning and working environment that is free from hate, discrimination, harassment and sexual harassment, in accordance with the Ontario Human Rights Code (the Code) and the Occupational Health and Safety Act;
- To provide information to ensure all community members are aware of their rights and obligations under the Code;
- To communicate that every community member is expected to contribute to an environment free of discrimination and harassment by behaving in acceptable ways and by discouraging offensive behaviour of others. Every person has the right and responsibility to communicate concerns and to cooperate in efforts to resolve concerns; and
- To establish procedures to ensure that discrimination and harassment complaints are dealt with in a fair and timely manner.

2. POLICY

The College is committed to fostering a College community that is free from hate, discrimination and harassment for each Community Member. Every community member has the right to freedom from hate, discrimination and harassment in accordance with the Ontario Human Rights Code, with its protections encompassing the following grounds: 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).

The College does not tolerate hate, discrimination, or harassment. In the event of an alleged breach of this policy, the College responds promptly and strives to achieve a fair and timely resolution. Per the Province's directives under Bill 166, this policy covers manifestations of hate and racism, including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism, and Islamophobia.

The Policy Sponsor, in consultation with the Joint Health and Safety Committee, develops, implements and maintains a system designed to achieve these ends. This system aligns with and is reflective of the College mission, vision, strategic goals and values, and of relevant legislation.

3. PRINCIPLES

The College is committed to fostering a College community that is free from discrimination and harassment. Every community member has the right to freedom from hate, oppression, racism, discrimination and harassment in accordance with the Ontario Human Rights Code. The College does not tolerate hate, discrimination, or harassment. In the event that a breach of this policy is alleged, the College responds promptly and strives to achieve a fair and timely resolution.

The College is committed to proactively creating an inclusive climate. Examples include:

- Formalization of the Centre for Equity, Diversity, and Inclusion, tasked with advancing equitable practices and promoting a culture of anti-oppression and anti-hate across the College
- Operationalization of the EDI Anti-Oppression Task Force and associated functional working groups
- Implementation of the EDI Strategic Framework, *A College Where We Belong*, and multi-year EDI Action Plan

4. SCOPE

This policy applies to all members of the College community and all College activities and functions. Employment, educational, or business dealings taking place on College premises as well as off-campus activities such as field placements, field trips, social events or meetings that take place under the auspices of the College are covered.

Where a student is alleged to have contravened this policy by a Staff Complainant, the allegation is investigated under this policy. Sanctions, if any, are dealt with under policy A130: Student Code of Conduct. Complaints against students by other students are investigated under policy A130.

Where an external member of the Board of Governors is alleged to have contravened this policy, the allegation is investigated and processed under Board policy B-25.10.05: Governor's Code of Conduct.

Where an internal member of the Board of Governors is alleged to have contravened this policy, the allegation is investigated under this policy. Sanctions, if any, are dealt with under this policy in the case of an employee and under College policy A130 in the case of a student.

Incidents of Violence are dealt with under College policy P103: Safe College Campus.

Incidents of Sexual Violence or Sexual Assault may also be dealt with or in conjunction with College policy P104: Sexual Violence and Sexual Assault.

5. REFERENCESLegislation

Human Rights Code, R.S.O. 1990, c. H.19

Occupational Health and Safety Act, R.S.O. 1990, c. O.1

Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31

Strengthening Postsecondary Institutions and Students Act, 2022

Board Policy:

[B-25.10.05: Governor's Code of Conduct](#)

College Policies:

[A130: Student Code of Conduct](#)

[P103: Safe College Campus](#)

[P104: Sexual Violence and Sexual Assault](#)

[P207: Employee Code of Conduct](#)

College Documents:

[A College Where We Belong: Fanshawe's Equity, Diversity and Inclusion Strategic Framework](#)

6. ADDENDA

Standard A: PRINCIPLES AND STANDARDS OF DISCRIMINATION AND HARASSMENT FREE COLLEGE

Guideline A: COMPLAINT PROCESS

Form 1: COMPLAINT FORM

Record 1: APPROVALS

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COLLEGE POLICY MANUAL

Policy No. & Title: P208: PREVENTION OF DISCRIMINATION AND HARASSMENT

Addendum: **Standard A: PRINCIPLES AND STANDARDS OF A DISCRIMINATION AND HARASSMENT FREE COLLEGE**

Issued by: Vice President, People and Culture

Effective: 2026-04-01

1. PURPOSE

The purpose of this document is to establish the framework for achieving the objectives of this policy. Definitions and terminology follow the usage in the Ontario Human Rights Code (the Code), the Occupational Health and Safety Act, and the Strengthening Postsecondary Institutions and Students Act.

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3. DEFINITIONS

College Community: Includes employees, students, members of the Board of Governors, members of Boards or committees established by the College, volunteers, contractors, individuals providing service or research, individuals or groups who rent or use College facilities, visitors, applicants and guests.

Racism: The assertion of inherent superiority of one group over others, manifesting through individual actions, institutional practices, and societal structures that create unequal treatment based on race or ethnicity (adapted from CHRC and OHRC).

Discrimination: Any action or behaviour that results in unfavourable or adverse treatment based on one or more of the Prohibited Grounds.

Prohibited Grounds: In accordance with the Code and the definitions provided therein, and for the purposes of this policy, prohibited grounds are: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, same sex partnership status, gender identity, gender expression, disability, age, marital status, family status (parent-child relationship) the receipt of public assistance (in accommodation only), and record of offences (provincial offences, pardoned federal offences, in employment only).

Harassment: Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. It includes bullying or personal harassment that is known or ought reasonably to be known to be unwelcome and which could reasonably be regarded as intending to intimidate, offend,

degrade or humiliate an individual and results in a harmful work/learning environment. Generally, a series of actions or behaviours is required to constitute harassment; however, a single act of sufficient severity may constitute harassment. Harassment may occur verbally, in writing or through any electronic media. Harassment with sexual overtones of any sort is included.

Workplace Harassment: 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.

Examples of Harassment or Workplace Harassment: Include, but are not limited to:

- Bullying or personal harassment,
- Vexatious conduct intended to intimidate, degrade, or humiliate an individual,
- Vexatious conduct that negatively affects an individual's dignity,
- Berating or belittling an individual,
- Unwarranted criticism,
- Undermining an individual's work or deliberately impeding their ability to perform their work,
- Spreading malicious rumours, gossip or innuendo that is not true,
- Yelling or using profanity,
- Taunting and teasing where the intention is to humiliate and embarrass,
- Conduct which creates an intimidating, offensive or hostile environment,
- Insulting language,
- Unwelcome name calling and hurtful pranks,
- Phone calls, letters or emails which are abusive or offensive,
- Abuse of authority,
- Physical gestures intended to intimidate, offend, degrade or humiliate an individual,
- Display of offensive material either in hardcopy or electronic form, which is intended to intimidate or humiliate an individual, or
- Use of any information and communication technologies to create, post, display, transmit, or distribute messages or other materials that are intended to intimidate or humiliate an individual.
- Violence: The exercise, or attempt to exercise, of physical force by a person against a person that causes or could cause physical injury to the person; or a statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force against the person that could cause physical injury to the person. Refer to policy P103: Safe College Campus.

Poisoned Environment: Any action or behaviour relating to one or more of the prohibited grounds, which although not necessarily directed at anyone in particular, has the effect of creating or maintaining an offensive, humiliating or intimidating climate to work or study. Examples include insulting jokes, or posting or displaying of offensive cartoons or signs, or distribution of such materials via electronic technologies.

Sexual Misconduct: In relation to a student, is:

- a. Physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of the College where:
 - the act constitutes an offence under the Criminal Code (Canada).
 - the act infringes the right of the student under clause 7 (3) (a) of the Human Rights Code to be free from a sexual solicitation or advance.
 - the act constitutes sexual misconduct as defined by the College’s employee sexual misconduct policy or contravenes this policy or any other policy, rule or other requirement of the College respecting sexual relations between employees and students, or
- b. Any conduct by an employee of the College that infringes the right of the student under clause 7 (3) (b) of the Human Rights Code to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance. (“inconduite sexuelle”)

Sexual Harassment: A course of comments or conduct of a sexual nature or that is related to sex, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome or unwanted, offensive, intimidating, hostile or inappropriate. Single acts of sufficient severity may constitute sexual harassment.

Workplace Sexual Harassment: Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known, or ought reasonable to be known, to be unwelcome.

Community members have the right to be free from:

- Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement; or
- 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.

Examples of Sexual Harassment or Workplace Sexual Harassment:

- Unwelcome remarks, jokes, slurs, innuendos or taunting about a person’s body, gender or gender expression.
- Unwelcome sexual advances (verbal, written, physical).
- Practical jokes of a sexual nature which cause awkwardness or embarrassment.
- Leering, whistling, or other suggestive or insulting sounds.
- Attainment or distribution of improper information of a sexual nature including, but not limited to, electronic material.
- Unwanted or inappropriate physical contact such as touching, kissing, patting, hugging or pinching.

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- Sexual or physical assault (also an offence under the Criminal Code). Refer to policy P104: Sexual Violence and Sexual Assault.
- Inappropriate and unwanted comments about a person's body, dress or appearance.
- Unwelcome inquiries or comments about a person's sex life or sexual orientation.
- Written or verbal abuse or threats of a gendered or sexual nature.
- Nasty or derogatory remarks or conduct directed toward members of one gender.
- Requests or demands for sexual favours which include, or strongly imply, promises of rewards for complying (e.g., job advancement opportunities, improved academic grades) or threats of punishment for refusal (e.g., denial of job advancement or opportunities, diminished academic grades).

What is NOT Discrimination, Harassment or Workplace harassment: Exercising appropriate supervisory, instructional and evaluation responsibilities, including conducting performance appraisals, enforcing standards, and taking corrective or discipline action does not constitute discrimination or harassment or workplace harassment, and is not contrary to this policy.

Reprisal or Retaliation: Adverse action taken against an individual for invoking this policy or for participating or cooperating in an investigation under this policy or for associating with someone who has invoked this policy or participated in the policy's procedures.

Vexatious or Bad Faith Complaint: A complaint in which a complainant makes allegations knowing them to be false or submits a complaint for a purely malicious or vindictive purpose.

4. RESPONSIBILITIES

a. Human Resources Business Partner (the Coordinator)

The Coordinator reports to the Director, Employee and Labour Relations, and may access the President as appropriate, and is responsible for administering this policy. In the event that the Coordinator or a member of the Human Resources Department has a direct involvement with a complaint made under this policy (as a complainant, respondent or witness), the Complainant may provide their complaint to the Vice-President, People and Culture or designate who appoints a suitable alternate for the purposes of dealing with the complaint. In the event the Vice-President, People and Culture has a direct involvement with the complaint, the Complainant may provide their complaint to the President or designate who appoints a suitable alternate for the purposes of dealing with the complaint.

b. College Community Members

College Community members are responsible for ensuring that their working or learning environment is free from hate, discrimination and harassment by refraining from any comment or conduct that is in contravention of this policy. In addition, Community members are responsible for reporting incidents of apparent violations of this policy to the Policy Coordinator and, when necessary, cooperating in the investigation or resolution of complaints pursuant to this policy.

External members of the Board of Governors report incidents of apparent violation of this policy to the President in the manner contemplated in section 6 of Board policy B-25.10.05: Governor's Code

of Conduct. Internal members of the Board of Governors follow procedures prescribed for staff or students respectively.

c. College Employees and Others

College employees have a duty to act immediately on observations or allegations of breaches of this policy. Employees and others responsible for directing the activities of students have a responsibility to be familiar with this policy and its procedures and to inform staff and students about its existence.

d. People Leaders/Administrators

Each administrator has a responsibility to create a culture of anti-hate, anti-racism, anti-discrimination, anti-harassment and liaise with CEDI for strategic support as necessary in implementing EDI-informed practices.

e. Human Resources

- Reviews this policy at least annually.
- Facilitates mandatory training regarding this policy for employees upon hiring and at refresh frequencies as determined by Environment, Health, Safety and Emergency Services and educational awareness for other Community members in respect to this policy.
- Covers costs associated with administering this policy and complaint procedure, and the cost of mediators and investigators.
- Provides an annual monitoring report to Senior Leadership Council summarizing the frequency and types of complaints under this policy, with comparative trend information where possible.

5. **MULTIPLE PROCEEDINGS**

- a. Where the subject matter of a complaint is more appropriately dealt with under another College policy (e.g., A128: Student Academic Appeals, P104: Sexual Violence and Sexual Assault, P207: Employee Code of Conduct), the Coordinator may exercise discretion not to deal with the complaint under this policy and suggest that it be dealt with and decided under another appropriate policy. The Coordinator may assist the individual in contacting the Administrator for the appropriate policy.
- b. Where the circumstances which give rise to a complaint are also the subject matter of another policy (e.g., A128: Student Academic Appeals, P104: Sexual Violence and Sexual Assault), the Coordinator works with the Administrator responsible for the application of the other policy to determine under which policy the matter is first addressed.
- c. Where criminal proceedings are initiated against a respondent based on the allegations in a complaint that falls within the scope of this policy, the College conducts an independent investigation, if possible, into the allegations and makes its own determination in accordance with this policy.

6. **REPRISAL, RETALIATION OR VEXATIOUS OR BAD FAITH COMPLAINTS**

Reprisal, retaliation or vexatious or bad faith complaints are contrary to this policy and subject to sanction.

7. REDRESS AND SANCTION

Where a complaint has been substantiated or where it has been determined that the complainant filed a complaint that was vexatious or made in bad faith, appropriate corrective or disciplinary action is taken by the College. Such action may include but is not limited to: requiring an apology, counselling, education or training, warning, suspension without pay, leave without pay, demotion, transfer, or termination of employment.

In accordance with the *Strengthening Post-secondary Institutions and Students Act, 2022* for incidents involving Sexual Misconduct involving students, the College may take action of discipline or termination of employment and:

- The termination of employment or disciplinary measure is deemed to be for just cause for all purposes.
- The employee is not entitled to notice of termination or termination pay or any other compensation or restitution as a result of the discharge or disciplinary measure.
- Despite subsection 48 (17) of the *Labour Relations Act, 1995* and subsection 14 (17) of the *Colleges Collective Bargaining Act, 2008*, and despite any provision of a collective agreement or employment contract specifying a penalty for the infraction, no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the termination of employment or disciplinary measure imposed by the College.
- If an employee of the College commits an act of Sexual Misconduct toward a student of the College and the College discharges the employee for that act or the employee resigns from their employment, the College shall not subsequently re-employ the employee.

8. NON-DISCLOSURE AGREEMENTS

In accordance with the *Strengthening Post-secondary Institutions and Students Act, 2022* for incidents involving Sexual Misconduct involving students, the College cannot enter into any agreement that prohibits disclosure of an allegation or complaint unless the student requests that the College does so, and provided that:

- The student has had a reasonable opportunity to receive independent legal advice;
- There have been no undue attempts to influence the student with respect to the request;
- The agreement includes an opportunity for the student to decide to waive their own confidentiality in the future and the process for doing so;
- The agreement is of a set and limited duration.

9. RECOURSE TO ONTARIO HUMAN RIGHTS TRIBUNAL OR GRIEVANCE PROCEDURE

Nothing in this policy is intended to prevent a complainant from referring their complaint to the Ontario Human Rights Tribunal, the Provincial Ombuds, or from using the grievance procedure available in a collective agreement, if applicable.

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COLLEGE POLICY MANUAL

Policy No. & Title: P208: PREVENTION OF DISCRIMINATION AND HARASSMENT

Addendum: **Guideline A: COMPLAINT PROCESS**

Issued by: Vice President, People and Culture

Effective: 2026-04-01

1. PURPOSE

The purpose of this document is to establish a complaint procedure for a member of the College Community who believes that they have experienced conduct in contravention of this policy.

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3. DEFINITIONS

See definitions in Standard A.

4. PRINCIPLES

The College does not tolerate hate, discrimination, or harassment. In the event that a breach of this policy is alleged, the College responds promptly and strives to achieve a fair and timely resolution.

5. THE PARTIES

The parties to a Complaint are:

- *The Complainant*: An individual who alleges that they have experienced conduct in contravention of this policy, and
- *The Respondent*: An individual named in a complaint made pursuant to this policy as a person responsible for the alleged conduct that is contrary to this policy.

6. TIME LIMITS

Complaints must be filed within six months of the last incident giving rise to the complaint. In extenuating circumstances, a complaint filed beyond the six-month limitation may be considered. Other time limits prescribed in this procedure may be extended with the agreement in writing of the parties or by the Coordinator where reasonable circumstances exist for extending the time limits. In such circumstances, the Coordinator advises the parties of the duration of the extension and the reasons.

7. ASSISTANCE FOR THE PARTIES

Individuals involved in the complaint process at any stage, while not required, may seek assistance or support from, or be accompanied by another person of their choice (for example a trusted friend, a union representative, a member of the executive of the Student Administrative Council or the College Ombuds, as applicable).

When a support person will be attending any step of the process with a party to a complaint, that party must advise the Coordinator in writing of the identity of the support person at least three business days in advance of any meeting. The role of the support person is to act as a resource and provide support and advice to the party. The support person is not permitted to speak or advocate on behalf of the party. In the event that a party chooses to retain legal counsel, or another paid advisor, as their support person, the party shall be solely responsible for the cost incurred.

Where appropriate, the Coordinator provides complainants, respondents and others affected by the investigation with information regarding counselling services available through the College or through outside agencies.

In ensuring that all complaints are addressed fairly, we recognize the right of Student Complainants to bring complaints to the Ontario and College Ombuds. Individuals are encouraged to contact the Ombuds for further assistance as appropriate.

8. INTERIM MEASURES

In certain situations, such as where the safety of an individual or the community may be at risk, it may be necessary to take immediate action to address the circumstances. Such interim action may include involving the College's campus security or the police, relocating the Respondent or placing them on a non-disciplinary suspension with pay pending the outcome of the investigation. The implementation of interim measures may mean that the certain aspects of this procedure, including confidentiality, are set aside at the discretion of the Coordinator.

9. CONFIDENTIALITY

- 9.1. Confidentiality with respect to complaints is maintained to the extent possible, having regard to the circumstances giving rise to the complaint and subject to the College's obligation to conduct a thorough investigation.
- 9.2. 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.
- 9.3. A complainant is not entitled to complete confidentiality or anonymity. In accordance with their responsibilities under this policy, where an employee becomes aware of allegations of conduct contrary to this policy, they must take immediate action. To permit the respondent to make a full and meaningful response to the complaint, the respondent is informed of the identity of the complainant and the particulars relating to the allegation.
- 9.4. Parties and witnesses are expected to keep information discussed during the complaint process confidential (aside from discussing the information with their personal advisor and close family members or partner). Unwarranted breach of confidentiality is subject to sanction.
- 9.5. Confidentiality with respect to the findings of an investigation is maintained, except to the extent necessary to implement or defend the corrective or disciplinary action taken, or as required by law.
- 9.6. Where corrective or disciplinary action is taken against either the complainant or the respondent, the other party is advised that action has been taken, but is not provided with the particulars of that action.
- 9.7. The College maintains documentation of corrective or disciplinary action taken.
- 9.8. Subject to the provisions of the Freedom of Information and Protection of Privacy Act, documentation and records pertaining to a complaint are held in strict confidence in files maintained by the Coordinator.
- 9.9. Complainants may utilize an anonymous complaint mechanism, which permits concerns to be submitted anonymously. Human Resources will receive and review submissions for appropriate follow-up and action.

10. STAGES OF THE COMPLAINT PROCESS

The following process applies to complaints made pursuant to this policy. The complainant may withdraw a complaint at any time. Depending on the circumstances, in order to comply with its legal obligations to provide an environment that is free from hate, discrimination and harassment, the College may continue to act on an issue arising in a complaint even when it has been formally withdrawn.

In the case of incidents or complaints of workplace harassment an investigation is conducted that is appropriate to the circumstances.

10.1. Stage One – Individual Action – OPTIONAL

As an initial step, the complainant may advise the respondent(s) that their actions are unwelcome and ask the respondent to stop engaging in such conduct. Confronting the respondent(s) is not required under the policy. If the complainant chooses to raise the matter with the respondent(s), the complainant should clearly and directly describe the conduct that is unwelcome as well as its impact on the complainant, and should ask the respondent(s) to stop engaging in such conduct. The complainant may also consider writing a letter to the respondent(s) regarding the unwelcome conduct or have a trusted friend communicate with the respondent(s). A detailed record of any discussions with the respondent(s) or copy of any correspondence provided to the individual should be retained by the complainant.

10.2. Stage Two – Informal Resolution

If the complainant does not wish to approach the respondent(s), or if after speaking with the respondent(s), the offensive conduct continues, the complainant should contact the Coordinator, or the complainant's immediate supervisor, another manager, union steward, faculty member, staff member, or college counselor who directs the complaint to the Coordinator. Once contact is made, the complainant is provided with a copy of this policy and procedure and provides the Coordinator with the following information:

- The name of the respondent(s);
- The nature of the complaint;
- The time and date of the incident(s) giving rise to complaint;
- The names of any witnesses to the incident (s) given rise to the complaint; and
- The resolution the complainant is seeking.

The Coordinator advises the complainant whether, based on the information provided, the complaint falls within the jurisdiction of the policy.

Where, based on the information provided, an informal resolution is appropriate, the Coordinator may recommend an appropriate informal dispute resolution mechanism, which, if successful, will effectively resolve the complaint in a timely and fair manner. This dispute resolution mechanism may take the form of an informal mediation where the Coordinator meets with the parties, arranging for another individual to assist in the resolution of the complaint or suggesting other such actions as may be appropriate in the circumstances. If the complainant and respondent are agreeable, such a mechanism is pursued.

10.3. Stage Three – Formal Written Complaint and Investigation

Failing informal resolution of the complaint, the complainant may submit a written and signed formal complaint to the Coordinator. On receipt of a written complaint, the Coordinator carries out the following activities:

- 10.3.1. Within ten business days of receipt of the complaint, if necessary, meets with the complainant to clarify the details of the complaint;
- 10.3.2. Within ten business days of that meeting, advises the complainant if the complaint will be pursued under this policy and if not, the reasons for not pursuing the complaint or suggesting a more appropriate forum;

- 10.3.3. Within ten business days of the Coordinator advising the complainant that the formal written complaint will be pursued under this policy, informs the respondent in writing of the complaint, provides a copy of the complaint and the policy and this procedure to the respondent, and advises the respondent to provide a written response to the allegations within ten business days;
- 10.3.4. Within ten business days of the Coordinator receiving the respondent's response, if necessary, meets with the respondent to clarify the details of their response;
- 10.3.5. Within ten business days of the Coordinator having received all submissions and clarifications, identifies the steps to be taken to resolve the matter;
- 10.3.6. If the Coordinator deems formal mediation appropriate, it is offered to the complainant and the Respondent. If the complainant and respondent both consent, the College will arrange for a mediator. If a mediated settlement is reached, the terms of the settlement is reduced to writing is signed by the complainant, respondent and the mediator. If the settlement requires any action on the part of the College, the settlement requires the agreement of the Vice-President, People and Culture or designate. Discussions between the parties at mediation is carried out with a view to affecting a settlement and is treated as privileged to the full extent permitted by law;
- 10.4. Stage Four – Investigation, Report, Summary of Findings and Disposition
- 10.4.1. If mediation is not pursued or is unsuccessful, the College will appoint an internal or external investigator and notifies the parties of the identity of the investigator.
- 10.4.2. The investigator commences the investigation within ten business days of the date of appointment. The Investigator:
- Interviews the complainant and the respondent and obtains signed statements;
 - Interviews the witnesses suggested by the parties and obtains signed statements;
 - Interviews other witnesses who may provide relevant information for the investigation and obtains signed statements;
 - Gathers written, electronic or other evidence; and
 - Within forty-five business days from appointment, submits to the Vice-President, People and Culture or designate a written investigation report containing a concise summary of the findings of the investigation. If required, the investigator may request an extension of this time frame. If additional time is granted, the parties are advised.
- 10.4.3. *Disposition Meeting*
- Within ten business days of receiving the investigator's report, a copy is provided to the Director, Employee and Labour Relations or designate, and a meeting is arranged with the Director, Employee and Labour Relations or designate and anyone else who will add value to the process. The purpose of the meeting is to determine what action, if any, the College will take to bring closure to the complaint.

10.4.4. *Written Notification*

Within five business days following the meeting, the Director, Employee and Labour Relations or designate provides the complainant and the respondent with a written summary of the investigator's finding. Each party is advised what action, if any, that relates directly to that party, the College will be taking to bring closure to the complaint. If a party is sanctioned, the fact of sanction is communicated to the complainant, but not the detail.

10.4.5. *Investigation Report*

The results of any investigation and any report created in the course of, or for the purposes of, the investigation, whether under this policy or as a result of a written order for an investigation under the Occupational Health and Safety Act regarding workplace harassment, are not a report respecting occupational health and safety for the purposes of subsection 25 (2) of the Act.

10.4.6. *Redress and Sanctions*

Where a complaint is substantiated or where it is determined that the complainant filed a complaint that was vexatious or made in bad faith, appropriate corrective or disciplinary action is taken by the College. Such action may include but is not limited to requiring an apology, counselling, education, training, leave without pay, demotion, transfer, discipline up to and including termination of employment or expulsion.

10.5. *Appeal Process – Applies to allegations of hate, and racism*

10.5.1. *Grounds.*

The respondent may appeal the decision on one or more of the following grounds:

- there was a serious procedural or factual error which was prejudicial to the respondent, and/or
- the sanction imposed is not consistent with the nature of the offence.

10.5.2. *Onus*

The onus for the appeal is on the respondent to substantiate the grounds for the appeal as described above. A respondent's right of appeal of a decision may be made to the Vice-President of People and Culture, or designate, and must be exercised no later than 10 College business days of their receipt of the decision. When writing the required appeal letter, the respondent must address all of the following:

- the grounds under which they are making the request; and
- the supporting documentation and rationale to support the argument that the decision being appealed was wrong or unfair; and
- the requested resolution.

10.5.3. *Determination*

The Vice-President, People and Culture or designate will determine whether the completed appeal substantiates the indicated ground for an appeal within ten (10) College business days and will provide their response in writing to the respondent.

If the appeal proceeds based on a substantiated ground, the Vice-President or designate is not required to discuss the written appeal with the respondent before deciding the appeal. The Vice-President or designate will affirm the investigation decision unless (a) there was a serious procedural or factual error which was prejudicial to the respondent and reconsideration is warranted or (b) the sanction imposed is not consistent with the nature of the offence.

The Vice-President, People and Culture or designate may seek confidential legal advice. The appeal decision is final.

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COLLEGE POLICY MANUAL

Policy No. & Title: P208: PREVENTION OF DISCRIMINATION AND HARASSMENT

Addendum: **Form 1: COMPLAINT FORM**

Issued by: Vice-President, People and Culture

Effective: 2026-04-01

PART I – THE PARTIES

COMPLAINANT - Personal Information will not be shared:

Complainant's Name

- Student
 Employee
 Other

Address

Telephone

Department or Program

Campus

RESPONDENT - Personal Information will not be shared:

Respondent's Name

- Student
 Employee
 Other

Address

Telephone

Department or Program

Campus

PART II - COMPLAINT

COLLEGE POLICY MANUAL

- What is the nature of your complaint?

Workplace Harassment

Hate*

Harassment and Discrimination*

* If your complaint alleges hate, harassment and/or discrimination based upon a prohibited ground, please indicate the ground:

- In your own words, please indicate the details of your complaint. If you would like to provide a more detailed description, please attach to this form.

- Please describe what actions, if any, that you have taken to try to resolve this problem.

- What resolution are you seeking?

Please note that this document and any attachments to it that you provide in the course of filing a complaint will be held in confidence by the College. The complaint form and its attachments will be disclosed to the respondent named in the complaint and to the investigator and mediators appointed to assist with the resolution of this complaint, as outlined in the policy procedures. Your signature confirms that you have been made aware of and give permission for the above use of this information.

Signature of Complainant

Date

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Addendum: **Record 1: APPROVALS**

CC-88-05; 1995-03-02/SA-95-06; 1997-09-17/SA-97-01; 1998-02-04/SA-97-05;
2005-01-12/AC-04-05; 2008-01-09/AC-07-04; 2012-06-27/SLC-11-15; 2012-09-12/SLC-12-01;
2012-11-28/SLC-12-05; 2013-03-27/SLC-12-10; 2014-02-20/President; 2015-08-11; 2016-09-08;
2017-03-20; 2018-01-29, 2019-03-20; 2020-02-03; 2021-01/21; 2022-02-23; 2023-03-01;
2023-06-29 effective 2023-07-01); 2024-03-20; 2025-01-31; 2025-03-18; 2026-03-27