



BOARD / OPERATIONAL

Anti-Harassment G50

PREAMBLE

Students, employees and Board members have the right to be treated fairly and with respect, and to work or learn in an environment free of sexual, racial, ethnic, gender and other forms of harassment. A harasser or victim can be a member of the Board of Directors, any Southeast College employee, or a College student.

Southeast College finds any form of harassment reprehensible and does not tolerate it anywhere in its environment.

Southeast College recognizes that harassment constitutes discrimination. The College considers harassment by any employee or student to be a serious breach of human rights, which requires immediate resolution.

NOTE: All references to Southeast College employees include Board of Directors.

POLICY

In compliance with the Saskatchewan Human Rights Code, the Occupational Health and Safety Act, and the Saskatchewan Regional Colleges Collective Agreement, Southeast College, recognizing its legal and ethical responsibility, will provide an environment free of harassment. The College recognizes its liability if it fails in this respect.

Every employee/student is entitled to a harassment free workplace. The College is committed to ensuring a harassment free workplace where everyone is treated with dignity and respect. The College and the Union are committed to the joint development of proactive programs to eliminate all forms of harassment.

Principles of the Policy:

Southeast College is committed to providing an environment conducive to learning and working. The Policy is guided by the following principles:

1. Southeast College has a responsibility to maintain a working and learning environment free of harassment. Everyone has a responsibility not to harass others and to change behavior if we know, suspect, or are informed that our actions might be considered harassment by another;
2. Southeast College will ensure that all employees and students are provided with information on the Policy and will strive to create harassment awareness, through a variety of means, for all persons in the College environment;

3. Southeast College is obligated to ensure that the Policy is fair and legitimately applied. Anyone who alleges harassment is assured that the complaint will be heard and dealt with according to the Policy and Procedures. It is equally important that those against whom allegations are made have the opportunity to respond to such allegations. The Policy is intended to ensure that the rights of the complainant and the respondent are fairly and equitably represented. No presumptions of guilt or innocence will be made while an investigation is in progress;
4. The College has an obligation to ensure that a student or employee, while on College business, suffers no hardship as a result of harassment; and
5. Southeast College is committed to ensuring that all parties involved in harassment proceedings are protected from intimidation or repercussion once an incident is reported, as well as during and following an investigation.

Definition of Harassment:

For the purpose of this policy, Southeast College defines harassment as any inappropriate conduct, comment, display, action or gesture by a person, that constitutes a threat to the health or safety of a worker that either:

1. is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin;
2. adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably know would cause a worker to be humiliated or intimidated.
Under this category the harassment must:
 - involve repeated conduct, comments, displays, actions or gestures OR
 - involve a single, serious occurrence of conduct, or a single serious comment, display, action, or gesture that has a lasting harmful effect on a worker, and;
 - not be any reasonable action that is taken by an employer, or a manager, or a supervisor employed or engaged by the employer, relating to the management and direction of the employer's workers or the place of employment.

Often the harasser's intentions are quite clear; however, harassment can occur without the intent to offend the victim. Whether harassment has occurred or not is best determined by measuring the impact of the behaviour on the victim's dignity or on his/her freedom of choice.

This harassment policy does not extend or apply to:

- day to day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, and disciplinary action;
- day to day classroom management and instructor decisions involving student work, engagement, evaluation, and disciplinary action;
- a bona fide work or education related interaction, such as work or classroom assignment, course content, performance feedback, counselling, or disciplinary action;
- harassment that occurs outside of work (e.g. harassment that occurs during a union meeting or while attending a social gathering after work is not covered). However, harassment that occurs while attending staff functions, a conference, or training session at the request of the employer would be covered within this policy;
- conduct which all parties agree is inoffensive or welcome;
- normal social contact between people based on a position of equality and/or mutual consent does not for these purposes constitute harassment; and an occasional conflict or disagreements in the workplace.

Types of Harassment:

The following examples are intended to provide an understanding of the types of harassment and unacceptable behaviour. They are not meant to be all encompassing, or limit in any way the ability to hear or respond to complaints.

Sexual harassment can consist of:

- unwanted attention of a sexual nature; and/or
- an implied or expressed promise of reward for complying with a request of a sexual nature; and/or
- an actual reprisal or implied threat of reprisal, including the denial of opportunity, for refusal to comply with a request of a sexual nature; and/or
- remarks or behaviour of a sexual nature, which create or could reasonably be expected to create a negative working and/or learning environment.

Harassment based on a person's race, ethnic origin or religion can consist of:

- offensive comments and/or actions, and/or exclusions from which a person would otherwise have a right or privilege, and which demean and belittle an individual and/or cause personal humiliation on the basis of race, creed, colour, religion, place of origin, citizenship, and/or ancestry.

Harassment based on a person's ability can consist of:

- offensive comments and/or actions, and/or exclusions from which a person would otherwise have a right or privilege, which demean and belittle an individual and/or cause personal humiliation on the basis of disability.

Harassment based on a person's gender or sexual orientation can consist of:

- offensive comments and/or actions, and/or exclusions from which a person would otherwise have a right or privilege, which demean and belittle an individual and/or cause personal humiliation.

Personal harassment can consist of:

- offensive comments and/or actions, and/or exclusions from which a person would otherwise have a right or privilege, which demean and belittle an individual and/or cause personal humiliation.

Retaliation is a type of harassment and can consist of:

- reprisals, intimidation or threats made to a person who has acted as a witness, confronted and/or reported an alleged harasser, or been identified as a victim of harassment.

Harassment is not:

- a bona fide work or education related interaction, such as work or classroom assignment, course content, performance feedback, counselling, or disciplinary action; or
- normal social contact between people, based on a position of equality or mutual consent.

Actions Under Other Jurisdictions:

Notwithstanding the provisions of the Policy, individuals have the right to seek the advice and services of the Saskatchewan Human Rights Commission at any time. The Policy is not intended to preclude any person from filing a complaint with the Saskatchewan Human Rights Commission or the Occupational Health and Safety Division of the Department of Labour, or from initiating other legal action. Unionized employees will be afforded all rights of the Collective Agreement in addition to the Policy.