



# HUMAN RESOURCES

## Harassment Complaint Procedure H201.1

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### SOUTHEAST COLLEGE HARASSMENT COMPLAINT PROCEDURE

Southeast College is committed to make every reasonably practicable effort to ensure that no employee, learner, worker, contractor, volunteer or Board member is subjected to harassment. Southeast College will take corrective action, up to and including dismissal, if harassment is found to have occurred.

### STEP 1: ADDRESS INAPPROPRIATE BEHAVIOUR

**DISRESPECTFUL BEHAVIOUR:** For less severe forms of inappropriate behavior (such as rudeness, interrupting, language concerns, or unprofessional jokes/sarcasm and gossip) individuals should first consider whether they can resolve the matter informally (for example, speaking to the other person directly, or resolving the issue with the support of a supervisor). Informal resolution is typically used to address disrespectful behavior.

**HARASSMENT, SEXUAL HARASSMENT AND BULLYING:** For more serious cases of inappropriate behavior (such as sexual harassment, harassment or bullying), or if the informal resolution was unsuccessful, then a formal complaint can be made verbally or in writing to one or any of the following:

Employee Complaint:

- a) Direct Supervisor
- b) Out-of-Scope Supervisor
- c) Human Resources
- d) CEO
- e) Board of Directors

Learner Complaint:

- a) Instructor
- b) Student Advisor
- c) Program Coordinator
- d) VP Professional Training & Continuing Studies or VP Academics, Teaching & Learning
- e) CEO

Individuals experiencing inappropriate behavior or witnesses who have observed inappropriate behavior can make a formal complaint at any time, regardless of when an incident may have occurred. Complainants are encouraged to report incidents as soon as possible after they occur as this assists with the ability to investigate and/or address the issue.

A formal harassment complaint should include the following information and should be remitted in the following format:

- a) Name of individual(s) making the report
- b) Home and work phone number of the individual(s) making the report
- c) Date
- d) Workplace: Location and Department (*if applicable*)
- e) Nature of report of harassment: *Personal/Sexual/Based on Prohibited Grounds*

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- f) Respondent(s): *Name(s) of alleged harasser(s)*
- g) Details of incidents: *Describe incident(s) detailing behaviour, what was said, date(s), location(s), circumstances surrounding the incident(s), and names of any witnesses*
- h) Objections made known: *Have you previously told the respondent(s) that you object to the behaviour or told an appropriate person of authority of your concerns? If so, please detail.*
- i) Consent: *Pursuant to the principles of natural justice, the respondent(s) has a right to be made aware of the allegations put forth against them. Do you authorize the release of information about the report to the respondent(s)?*
- j) Signature

## **STEP 2: REVIEW COMPLAINT**

The individual receiving the formal complaint will have an initial conversation with the complainant to discuss their concerns, identify any additional safety measures or supports that may be needed, and ensure details are recorded in the format above.

If a complaint has been received verbally, the reporting contact will document the complaint and have the complainant review and sign the complaint to ensure the information has been accurately captured.

## **STEP 3: NOTIFY HUMAN RESOURCES**

The reporting contact will contact Human Resources who will determine if the complaint falls within the scope of this policy, and whether a formal investigation and formal resolution is required, or if informal resolution is most appropriate to resolve the concern. Not every formal complaint will warrant formal resolution/investigation.

The College will not investigate allegations of harassment that are more than one year old absent of special circumstances, which may include but are not limited to, that the alleged harassment is of such serious nature that if substantiated, would warrant discipline or other measures, or that the alleged harassment is an ongoing issue.

## **STEP 4: UPDATE COMPLAINANT AND RESPONDENT**

The complainant will be provided an update by Human Resources, generally within five to seven business days of the complaint being received. If it is determined that formal resolution will not be used, then informal resolution options will be discussed and explored. During this same time period, the respondent will also be informed of the allegations against them to allow the opportunity to prepare their response.

## **STEP 5: FORMAL INVESTIGATION (IF APPLICABLE)**

If a formal investigation is needed, separate meetings will be scheduled with the complainant, respondent and witnesses (if applicable) to gather information to determine whether or not the allegations are founded.

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The investigation will normally be led by Human Resources, but a third-party may be engaged. The investigation will be timely, fair, thorough and confidential.

In-scope employees will have a union representative present during the investigation. The union representative may observe the meeting and take notes, however no other participation in the investigation meeting is permitted. Should union representation be declined, written notice must be provided. In all cases, the rules of natural justice will be followed.

## **STEP 6: COMMUNICATE RESULTS**

Following the conclusion of an investigation, the report will be shared with the CEO . The complainant and respondent will be advised of the results of the investigation.

If evidence substantiates the allegation(s), appropriate corrective action and/or discipline will occur. Such discipline may include, but may not be limited to training, a written reprimand, suspension, and/or dismissal.

Written documentation to this effect shall be included in the respondent's employee file. The specific details of any discipline administered will not be provided to the complainant or any witness interviewed in the investigation, only confirmation that appropriate action has been taken.

If an in-scope complainant or respondent is not satisfied with the investigator's ruling, they may initiate action under the terms of the Collective Bargaining Agreement.

## **STEP 7: ENSURE WORKPLACE RESTORATION**

After a situation involving inappropriate behaviour has been addressed, supervisors are responsible to ensure there are measures in place to support a respectful workplace moving forward. The supervisor of the complainant and respondent is also responsible to ensure there are no further issues of inappropriate behavior, and to ensure a harassment-free workplace. Monitoring involves follow-up with the complainant to see if there has been a recurrence of any inappropriate behavior, or act of reprisal, and follow-up with the respondent where appropriate to see if they have any questions moving forward.

## **PRINCIPLES AND PRACTICES**

### **CONFIDENTIALITY AND ANONYMITY**

Supervisors, Human Resources and/or anyone who receives a complaint or is involved in an investigation will not disclose the name of a complainant, alleged respondent or the circumstances related to the issue to any person except where the disclosure is necessary to investigate, take corrective action, or is required by law. It is important to note that confidentiality does not mean anonymity.

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All written reports, response statements, witness statements, interview notes and other documentation gathered as part of an investigation will be securely stored in a separate, confidential investigation file and will not be disclosed unless disclosure is necessary to investigate the allegation of harassment, to take corrective action, or otherwise as required by law.

## **TIMELINESS**

Every effort will be made to resolve reported issues in a timely manner. Formal complaints may take longer to investigate, however, if there are delays the complainant and respondent will be advised of the cause of the delay. During an investigation, regular timeline updates (i.e., every 10 business days) will be provided to the complainant and respondent to ensure communication is maintained throughout the investigation process.

## **REPRISAL/RETALIATION**

Reprisal is not permitted against an individual exercising their rights in good faith under this policy. Any act of reprisal will be cause for disciplinary action up to and including termination. Reprisal can include, but is not limited to, an actual or threatened harmful act, penalizing someone for making a complaint (i.e. a supervisor purposely giving stricter deadlines or an unmanageable workload after a complaint is made), withholding a benefit for making a complaint, or attempting to isolate or exclude an employee from work activities.

## **FALSE ALLEGATIONS**

If it is determined that a false complaint was deliberately made, the employee who made the false allegation may be subject to disciplinary action up to and including termination of employment. This does not apply to complaints made in good faith that are unproven or unsubstantiated.

Allegations that a complaint has been made in bad faith or that retaliation has occurred may be investigated using the same procedure that is used to investigate complaints of discrimination and/or harassment. Individuals who are found to have engaged in retaliation or made deliberately false accusations of discrimination and/or harassment will be subject to corrective and/or disciplinary action up to and including termination of employment.

## **ROLES AND RESPONSIBILITIES**

### **ALL EMPLOYEES AND LEARNERS**

A respectful workplace requires cooperation and support from each and every individual in the organization. Individuals who experience or witness behavior in violation of this policy are responsible for addressing it using the process outlined in this policy.

All employees are responsible for their behavior and must:

- Demonstrate respect in the workplace at all times.
- Behave in a manner that will not reasonably offend, intimidate, embarrass or humiliate others, whether deliberate or unintentional.

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- Refrain from causing or participating in all types of inappropriate behavior that could reasonably be perceived to be disrespectful behavior, sexual harassment, discrimination, harassment and/or bullying.
- Take all mandatory respectful workplace and harassment prevention training and complete regular reviews of the policy.
- Co-operate with any person investigating harassment complaints.
- Cooperate in the resolution process as required.

## **SUPERVISORS**

- Follow the roles and responsibilities as outlined for all employees.
- Provide leadership related to respectful workplaces, including modelling and inspiring exemplary behavior (i.e. leading by example and setting the appropriate tone).
- Ensure employees are aware of the policy and expected behaviour in the workplace and have taken the applicable mandatory respectful workplace and harassment prevention training.
- Intervene promptly once aware of sexual harassment or harassment/bullying in the workplace.
- Immediately contact Human Resources for guidance and assistance for complaints of sexual harassment or harassment/ bullying.
- Ensure complaints and all actions taken to resolve the issue are documented.
- Ensure all employees are adhering to this policy and understand their roles and responsibilities.
- Ensure there is no reprisal against anyone who has come forward and made a complaint in good faith.
- Cultivate an environment of trust and openness whereby employees feel comfortable discussing and reporting workplace concerns.

## **HUMAN RESOURCES**

- Follow the roles and responsibilities as outlined for all employees.
- Advise supervisors and employees on the interpretation and application of this policy.
- Ensure complaints are handled fairly, confidentially, effectively and in a timely manner, and that appropriate disciplinary action is taken if applicable.
- Participate in the resolution process as required, including conducting investigations.
- Provide mandatory respectful workplace and harassment prevention training and awareness for employees, supervisors and managers.
- Cultivate an environment of trust and openness whereby employees feel comfortable discussing and reporting workplace concerns.
- Ensure workplace restoration measures are put in place following the resolution of a situation involving inappropriate behavior.

## **REFERENCES**

Anti-Harassment Policy H201  
Appendix A: Prohibited Grounds  
*The Saskatchewan Employment Act*  
*The Saskatchewan Human Rights Code*  
Collective Agreement: Article 22 Anti-Harassment