

# **NIPISSING UNIVERSITY**

<b>Policy Category:</b>	Human Resources
<b>Policy Number:</b>	3.6.2017U
<b>Policy Name:</b>	Respectful Workplace & Harassment Prevention Policy
<b>Responsible Department:</b>	Human Resources
<b>Original Approval Date:</b>	November 2009
<b>Approval Authority:</b>	President & Vice-Chancellor
<b>Last Updated:</b>	July 30, 2018
<b>Review Date:</b>	May 2019

## **A. PURPOSE**

Nipissing University is committed to providing a respectful learning and working environment and maintaining a workplace that is harassment free as required by the *Occupational Health and Safety Act (OHS)*. This Policy formally establishes this commitment.

## **B. APPLICATION**

This Policy applies to all employees, contractors, volunteers, students and visitors to Nipissing University and Nipissing University sanctioned events. All members of the University community are responsible for the creation and maintenance of a respectful workplace.

## **C. DEFINITIONS**

### Workplace Harassment

Under the Occupational Health and Safety Act, “workplace harassment” means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace which is known or ought reasonably to be known to be unwelcome, or
- b) workplace sexual harassment.

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment, nor is the reasonable exercise of academic freedom.

## Workplace Sexual Harassment

Under the Occupational Health and Safety Act, “workplace sexual harassment” means:

- (a) 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 reasonably to be known to be unwelcome, or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

## Respectful Workplace Conduct

Respectful workplace conduct includes being courteous, polite, respectful and considerate towards all individuals, including those with different strengths, roles or opinions. It also includes encouraging and supporting individuals to learn and practice personal conflict resolution skills that support a respectful workplace.

## Bullying

Bullying is persistent, offensive, abusive, intimidating or insulting behavior, abuse of power, or unfair, punitive sanctions which make an individual feel threatened, humiliated and/or vulnerable. It is also the misuse of power or position to persistently criticize, humiliate or undermine an individual.

## Academic Bullying

Academic Bullying is a particular form of bullying which includes asserting a position of intellectual superiority in an aggressive, abusive or offensive manner.

All forms of bullying can include the following:

- Ostracism/exclusion, or conversely, excessive supervision;
- Spreading malicious lies or rumours;
- Verbally abusive behavior such as yelling, insults, threats and/or name calling;
- Threatening or abusive language (oral or written, including voice mail, email, online chats and/or comments posted on websites);
- Repeated or continuous threats to withdraw funding, scholarships or advancement opportunities for reasons unrelated to performance;
- Comments which have the effect of undermining a person’s role;
- Excessive criticism of a person’s work or their private lives when not related to appropriate evaluation of performance;
- Intrusion by pestering, spying or stalking; and/or

- Posting or displaying of materials, images, and/or graffiti, including by electronic means, which may cause humiliation, offence or embarrassment (except where such display is for academic purposes and is a reasonable exercise of academic freedom and expression).

Bullying is not:

- The reasonable use of management rights in cases of promotion, demotion or suspension;
- The reasonable responsibility of supervisors to conduct performance evaluation, discipline and/or provide constructive criticism to employees;
- Respectfully expressing disagreement or stating a contrary but reasonable point of view; or
- The reasonable exercise of academic freedom, freedom of thought and inquiry, and expression in teaching and research which may result in respectful disagreements regarding beliefs or principles.

#### **D. RESPONSIBILITIES**

Employees, contractors, volunteers, students and visitors are responsible for:

- Treating others with respect;
- Setting an example by respecting the dignity of all employees and members of the public;
- Recognizing and refraining from actions that offend, embarrass or humiliate others, whether deliberate or unintentional; and
- Ensuring allegations of disrespectful behaviour are not frivolous or vindictive.

Supervisors/Department Heads are responsible for:

- Role modeling acceptable behavior;
- Monitoring and managing unacceptable behaviour;
- Ensuring that measures and procedures are followed and that employees have appropriate information;
- Encouraging every member of the workplace to treat each other with respect;
- Treating each situation as a serious matter;
- Managing the situation towards a resolution between the parties, if possible, with a view of correcting behaviour and preserving long term working relationships and safeguarding against further incidents;
- Ensuring there are no reprisals against employees making a complaint or participating in an investigation;
- Providing support to employees who are experiencing the effects of disrespectful behaviour; and

- Consulting with the Director, Human Resources if the situation cannot be resolved between the parties.

Director, Human Resources is responsible for:

- Assisting Supervisors/Department Heads in the consistent application of this Policy;
- Consulting with and providing advice to Supervisors/Department Heads;
- Advising employees of their rights and options;
- Receiving complaints and ensuring appropriate action is initiated;
- Conducting investigations, as required;
- Working collaboratively with others involved; and
- Promoting awareness of this Policy.

#### **E. CONFIDENTIALITY**

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.

Those involved in dealing with complaints will disclose information only when necessary. Confidentiality, however, does not mean anonymity. In the instance of making a complaint, individuals must realize that the individual who is the source of complaint has the right to be informed of the specific nature of the allegations at the earliest point in the process.

#### **F. REPORTING PROCEDURES**

This policy is not intended to discourage or prevent the complainant from exercising any other legal right pursuant to any law. Not every complaint of disrespectful behaviour warrants a formal investigation. In fact, it is hoped that most complaints can be resolved between the parties involved with subsequent monitoring by supervisors to ensure that there is no recurrence. However, in situations where allegations are denied or discipline is likely, an investigation may be required.

1. Immediately make it clear to the individual that his/her behaviour is not welcome. If uncomfortable in approaching the individual directly, contact your supervisor. If your supervisor is the alleged harasser, contact the Director, Human Resources.
2. If appropriate, discuss with your supervisor who can assist and offer support in discussions with the individual.

3. Keep a personal record of the details of any alleged incidents, including:

- Date/time;
- Place;
- Name of other person(s) involved;
- A specific account of what happened – be as detailed as possible;
- The effect of the incident;
- Names of any witnesses; and
- Any action taken, including any person to whom the incident has been reported and any attempts at personal resolution.

It is important that you record this information as soon as possible after the incident(s) occurs. Where possible, any correspondence relating to the incident should also be kept.

4. The Director, Human Resources will outline and advise the parties of options for resolving the problem including personal resolution, informal resolution or pursuing more formal resolution.
5. The Director, Human Resources will assist the parties to informally resolve matters, as required, and assist supervisors by providing on-going support.
6. If an attempt at personal resolution is not successful, if the behavior continues, if the behavior is of a more serious nature than can be dealt with by personal resolution/involvement by a manager/supervisor, or if personal resolution/involvement by a manager/supervisor is not deemed appropriate, then a written complaint should be made to the Director, Human Resources.
7. If required, the Vice-President, Finance & Administration will appoint an investigation team and coordinate the investigation process in a consistent, timely and fair manner.
8. Investigations will generally include the following:
- Interviewing the employee who has raised the concern (he/she may be accompanied by a representative/support person);
  - Interviewing the employee alleged to have acted disrespectfully (he/she may be accompanied by a representative/support person) to present the complaint and hear the response;
  - Interviewing witnesses (witnesses may be accompanied by a representative/support person);
  - When possible, maintaining confidentiality amongst the individuals involved;
  - Providing the employee who has raised the concern and the alleged harasser, if he or she is an employee of the employer, with a written report outlining the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and

- Recommending an appropriate response to senior management which may include disciplinary action.

In certain circumstances, it may be deemed appropriate to request the assistance of an external investigator or mediator.

What if you are accused of disrespectful behaviour?

- Attempt to resolve the situation by listening and trying to understand the concern.
- Be open to the other person's perspective. For example, something which you consider to be humorous might be offensive to someone else.
- Consider the impact of your actions on the other person.
- Be willing to make reasonable changes that could make a difference. Often a sincere apology and a commitment to refrain from disrespectful behaviour are sufficient to resolve the situation in an informal manner.
- If an investigation is underway, cooperate with the person(s) conducting the review. Remember that the same care and consideration would be given to you if you had reported an issue.
- If necessary, seek support or assistance from a Supervisor, Department Head, Union Representative or Human Resources.
- Keep your involvement and nature of the complaint confidential.

All acts of workplace harassment are strictly prohibited. Every community member must work in compliance with this Policy. Nipissing University will hold workers/employees, students and visitors accountable by imposing discipline and other sanctions (up to and including expulsion and/or trespass notices). In doing so, Nipissing University will act in accordance with the rights and obligations that are established by legislation, Board policies, University policies, Senate by-laws and collective agreements. Nipissing University may also initiate criminal or civil proceedings against individuals who engage in workplace harassment. There will be no negative repercussions for complaints made in good faith. If there are concerns/behaviours that are not outlined in this policy, please see the Violence Prevention Policy and/or the Harassment and Discrimination Policy.

This Policy will be maintained on an ongoing basis, and in consultation with the Joint Health and Safety Committee (JHSC), reviewed at least annually.

Signed: original signed by Mike DeGagné  
President and Vice-Chancellor  
Nipissing University

Date: July 30, 2018