

SEXUAL HARASSMENT, PERSONAL HARASSMENT/BULLYING, AND ANTI-VIOLENCE POLICY

Implementation of this policy

Robar Centre will ensure that this policy is widely disseminated to all relevant persons. It will be signed by every employee and included in the employee's file. Students will sign and it will be included in the enrolment agreement. All new employees and students will be trained on the content of this policy.

The Policy Statement

Robar Centre is committed to providing a safe environment for all its employees, and students, free from discrimination on any ground and from harassment while at work or school including sexual harassment. Robar Centre will operate zero tolerance policy for any form of sexual harassment, bullying or violence. Any person found to have committed these acts against another will face disciplinary action, up to and including termination of employment in the case of an employee, and expulsion from the school in the case of a student. All complaints of sexual harassment, bullying or violence will be taken seriously, and all parties will be treated with respect and in confidence. No one will be victimized for making such a complaint.

Complainants and respondents are entitled to supports and services. A report of an incident of, or a complaint about, sexual harassment, bullying or violence, is not required in order to obtain supports and services.

Complainants must know that if they, in good faith, report an incident of, or make a complaint about, sexual violence, they will not be subject to discipline or sanctions for violations of the career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred

Definition of sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature, or a situation which creates a hostile environment, resulting in the recipient of this behaviour feeling intimidated and humiliated. For the most part, complainants of sexual harassment are female, however, conduct directed by female employees, or students, towards males or between persons of the same sex can also be held to constitute sexual harassment.

Definition of personal harassment

Any unsolicited, unwelcome, disrespectful, or offensive behavior that has an underlying sexual, bigoted, ethnic, or racial connotation and can be typified as:

- Behaviour that is hostile in nature or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under human rights legislation.

Sexual or personal harassment can involve one or more incidents and actions. Harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual or personal harassment, bullying and violence include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, stroking, kissing, hugging, fondling or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, eg. touching, pinching
- The use of job-related threats, or passing grade threats, or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker's/student's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker/student
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

Anyone can be a complainant of sexual harassment, regardless of their sex and of the sex of the harasser. Robar Centre recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Anyone, including employees of Robar Centre, students, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reported and reprimanded in accordance with this internal policy and the law.

All sexual and personal harassment, bullying and violence against another is prohibited whether it takes place within Robar Centre premises or away from Robar Centre's business. For example: at a Robar Centre social event.

COMPLAINT PROCEDURE – Sexual and Personal Harassment, Bullying or Violent Behaviour

Complainants and respondents are entitled to supports and services. A report of an incident of, or a complaint about, sexual harassment, bullying or violence, is not required in order to obtain supports and services.

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Robar Centre recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee or instructor and student) and that it may not be possible for the complainant to inform the alleged harasser.

If a complainant cannot directly approach an alleged harasser, he/she can approach the designated staff member responsible for receiving complaints of sexual harassment. The designated staff member to report an incident is:

Susan Edwards, Administrator – Email: susan@robarcentre.ca
 905 643 4734 after hours 905 981 0493
 600 Nebo Rd., Hannon, ON L0R 1P0

When the Administrator receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the complainant as to what outcome he/she wants
- ensure that the complainant understands the company's procedures for dealing with the complaint

- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the complainant from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the complainant
- ensure that the complainant knows that they can lodge the complaint outside of the company through the relevant legal framework

Throughout the complaint procedure, a complainant is entitled to be helped by the company. Robar Centre recognizes that because the behaviours covered in this policy often occur in unequal relationships, complainants often feel that they cannot come forward. Robar Centre understands the need to support complainants in making complaints. Robar Centre will accommodate the needs of students, and employees, who are affected by these behaviours and identify the specific official, office or department that should be contacted to obtain such accommodations.

A complainant has the right to withdraw a complaint at any stage of the process. However, Robar Centre may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations.

Informal complaints mechanism

If the complainant wishes to deal with the matter informally, the Administrator will:

- give an opportunity to the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant
- ensure that a confidential record is kept of what happens
- follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
- ensure that the above is done speedily and within 2 days of the complaint being made

Formal complaints mechanism

If the complainant wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the complainant, the formal complaint mechanism should be used to resolve the matter.

The Administrator who initially received the complaint will instigate a formal investigation. The person carrying out the investigation will:

- interview the complainant and the alleged harasser separately
- interview other relevant third parties separately
- try to determine if the incident(s) of sexual or personal harassment, bullying and/or violent behaviour took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the complainant is, in consultation with the complainant
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the complainant is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace/school
- it will be at the sole discretion of the complainant if the complaint is to be filed with external authorities
- keep a record of all actions taken
- ensure that all the records concerning the matter are kept confidential unless summoned to be produced

- ensure that the process is done as quickly as possible and in any event within 2-4 days of the complaint being made

Sanctions and disciplinary measures

Anyone who has been found to have sexually or personally harassed, bully or acted violently against another person under the terms of this policy is liable to any of the following sanctions and other course of action that may be deemed necessary:

- verbal or written warning
- suspension
- dismissal
- expulsion

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual or personal harassment, bullying or acts of violence are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser, and a report to the police authorities.

Supports and Services

The Administrator, confidentially, will assist a complainant, or any person making an inquiry about, supports and services available.

Sexual Assault Centres – Hamilton

SACHA Hamilton Sexual Assault Centre (24 hour)
Hamilton Police Victim Services Branch (24 hours)

905 525 4162
905 546 4904