

Community Policies and Procedures

- 2.0 **COMMUNITY**
- 2.01 Whistleblower
- 2.02 Sexual Assault and Sexual Violence
- 2.03 Anti-Harassment
- 2.04 Scent-Free
- 2.05 Drug and Alcohol
- 2.06 Employee Code of Conduct



POLICY 2.01

Subject: **Whistleblower**

Approval/Amendment Date(s): June 21, 2018

Associated Procedure/Documents:

Next Review Date:

Policy:

North West College is committed to maintaining high ethical standards and legitimate business practices and wishes to encourage the identification and prevention of any misconduct that may affect this commitment.

1.0 Responsibility:

The College encourages employees to share their questions, concerns or complaints regarding unethical or illegal conduct with their supervisor both verbally and in writing. Supervisors are required to report complaints or concerns about suspected ethical and legal violations in writing to their Director, who, in turn, has the responsibility to investigate all reported complaints and inform the President regarding the investigation.

2.0 Limitation:

- a) In the event that an employee seeks to disclose matters concerning their supervisor, the employee shall contact their Director.
- b) In the event that an employee seeks to disclose matters concerning their Director, the employee shall contact the President.
- b) For concerns regarding the President, consult the North West College Board Bylaws and Policies.

3.0 Oversight:

The President is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The President will advise the Board of Directors of all complaints and their resolution.

4.0 Compliance:

All employees must cooperate fully during an investigation of suspected wrongdoing. The College will assist an employee who makes a good faith report pursuant to this policy. Retaliation against an employee(s) who reports a violation, as a witness or is involved in an investigation may result in formal discipline or dismissal.

* * *

POLICY 2.02

Subject: **Sexual Assault and Sexual Violence**

Approval/Amendment Date(s): March 1, 2016, March 6, 2018, March 31, 2020

Associated Procedure/Documents: Procedure B 2.02 Sexual Assault and Sexual Violence Procedures

Next Review Date:

Purpose/Philosophy:

All members of the College community have a right to work and study in an environment free from any form of sexual violence. Our policy is without prejudice including sexual orientation, gender, gender identity, or relationship status. This policy ensures those who experience sexual violence are supported and their rights respected. The College also has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

1.0 Scope:

1.01 This policy pertains to all acts of sexual violence which occur:

- a) on College property;
- b) at a program delivery site;
- c) during travel for the express purpose of College business;
- d) during College sponsored event; or
- e) during the performance of official College business.

1.02 All members of the College community must adhere to, and are protected under, this policy including:

- a) staff;
- b) students;
- c) board members;
- d) contractors;
- e) visitors; and
- f) guests.

2.0 Policy:

- 2.01 The College will not tolerate sexual violence including sexual assault.
- 2.02 Anyone who has experienced sexual violence has the right to pursue criminal or civil legal avenues whether or not they choose to proceed under this Policy.
- 2.03 Any member of the College community who has experienced sexual violence is strongly encouraged to make a disclosure of the incident to an employee of the College.
- 2.04 All reported incidents of sexual violence made in good faith, by either a survivor or witness, will be thoroughly investigated in a manner that ensures due process and is handled respectfully.
- 2.05 The College will offer relevant supports to individuals who have experienced sexual violence.
- 2.06 False or vexatious complaints will not be tolerated.
- 2.07 If through internal investigation the allegations made against the respondent are found to be substantiated, the respondent will be subject to disciplinary action up to and including termination, discontinuation, censure, or dismissal.

3.0 Commitments:

The College commits to the following in addressing and preventing sexual violence in the College community.

- a) The College commits to the following to create an environment and culture free of sexual violence:
 - i) monitoring and updating policies to ensure that they remain effective and in line with other existing policies and best practices;
 - ii) addressing harmful attitudes and behaviours;
 - iii) ensuring coordination and communication respects privacy;
 - iv) engaging in prevention activities;
 - v) encouraging understanding and disclosure of sexual violence; and
 - vi) providing information to the College community regarding the sexual violence policies and procedures.

- b) The College commits to the following in the investigation of sexual violence:
 - i) all reports of sexual violence are taken seriously and are addressed in a timely fashion;
 - ii) fairness and due process;
 - iii) ensure appropriate procedures for investigation and adjudication of a disclosure are in accordance with: legislation; College policies and procedures; and applicable collective agreements;
 - iv) where reasonably possible, protection of privacy for those survivors and witnesses that disclose during and after an investigation;

- v) where reasonably possible protection of privacy for those responding to the accusation during and after an investigation; and
 - vi) informing all survivors of their ability to file a police report and, regardless of their decision to do so, internal investigation procedures are executed.
- c) The College commits to the following survivor supports:
- i) assist those who have experienced sexual violence by providing choices including:
 - (a) provision of and/or referral to counselling;
 - (b) medical care; and
 - (c) information about legal options.
 - ii) treat individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests.
 - iii) provide appropriate academic, emotional and behavioural supports and/or accommodations.
- d) The College commits to the following respondent supports:
- i) assist those who have been accused of sexual violence by providing choices including:
 - (a) provision of and/or referral to counselling; and
 - (b) information about legal options.
 - ii) provide appropriate academic, emotional and behavioural supports and/or accommodations.

* * *

POLICY 2.03

Subject: **Anti-Harassment**

Approval/Amendment Date(s): November 1, 2012, December 5, 2019

Associated Procedure/Documents: Procedure B 2.03 Harassment Complaint Procedures, Occupational Health and Safety Act & Regulations, the Human Rights Code

Next Review Date:

Policy:

All members of the College community are entitled to a harassment free environment. The College is committed to ensuring a harassment free environment where everyone is treated with dignity and respect. As part of this commitment, the College will develop proactive programs in an effort to prevent all forms of harassment.

1.0 Scope:

All members of the College community must adhere to this policy including:

- a) staff;
- b) students;
- c) board members;
- d) contractors;
- e) visitors;
- f) volunteers; and
- g) guests.

2.0 Definition of Harassment:

In accordance with the Saskatchewan Employment Act and Regulations and the Human Rights Code, harassment means any unwanted or unwelcome action by any person against another whether it be verbal, written, or physical and which:

- a) Is based on:
 - i) ancestry, colour, race or perceived race;
 - ii) nationality or place of origin;
 - iii) religion or religious creed;

- iv) sex (includes pregnancy);
 - v) marital status;
 - vi) family status (parent-child relationships);
 - vii) disability (mental or physical);
 - viii) sexual orientation;
 - ix) gender identity;
 - x) gender expression;
 - xi) receipt of public assistance; or
 - xii) age (18 or older).
- b) Is of a sexual nature. Sexual harassment may be verbal, physical or visual. It may be one incident or a series of incidents. It is always unsolicited and unwelcome behaviour, and can take many forms, including but not limited to:
- i) sexual remarks;
 - ii) "jokes" with sexual overtones;
 - iii) a sexual advance or invitation;
 - iv) displaying offensive pictures or photographs;
 - v) threats;
 - vi) leering;
 - vii) physical contact like touching, patting, pinching or brushing against another person; or
 - viii) sexual and physical assault.
- c) Is of a personal nature. Personal harassment adversely affects the worker's psychological or physical well-being and is conduct or displays that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated. Under this category the harassment must:
- i) involve repeated action or display; OR
 - ii) involve a single, serious occurrence that has been established to have caused a lasting harmful effect on a worker; AND
 - iii) not be any reasonable action that is taken by an employer or supervisor relating to the management and direction of the employer's workers or the place of employment.
- d) Some examples of harassment include:
- i) unsolicited physical contact, pushing, grabbing or touching;
 - ii) comments, looks, suggestions which might reasonably be found by the affected employee to be unwelcome, objectionable, offensive, or to cause discomfort;
 - iii) vandalism of personal property; and
 - iv) gender or ethnic based insults or taunting.

3.0 This harassment policy does not extend or apply to:

- a) Day to day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, and disciplinary action;
- b) Harassment that occurs outside of the College. For example, harassment that occurs during a union meeting or while attending a social gathering after hours is not covered. However, harassment that occurs while attending a conference or training session at the request of the College would be covered by this policy;
- c) Conduct which all parties agree is inoffensive or welcome;
- d) Normal social contact between people based on a position of equality and/or mutual consent does not for these purposes constitute harassment;
- e) Occasional conflict or disagreements in the workplace.

Harassment can exist even where there is no intention to harass or offend another. Everyone must take responsibility to ensure his or her conduct or display is not offensive to another.

4.0 The College's Commitment:

The College, its Managers and Supervisors will take all complaints of harassment seriously and is committed to implementing this policy and to ensuring it is an effective means to prevent and stop harassment and create a productive and respectful workplace and educational institution.

This commitment includes:

- a) Informing all persons of their rights and obligations – a copy of the policy will be provided to all employees and will be available in visible College program sites;
- b) Training all persons in implementing this policy – information meetings will be held periodically to explain the policy. New employees will receive the policy during their orientation and senior management and supervisors will be asked to set a good example and foster a respectful workplace;
- c) Assigning responsibility for implementing this policy as detailed in the procedures (refer to the public directory or contact HR for a listing of procedures and related options);
- d) Protecting College community members from reprisal or embarrassment for trying to stop or prevent harassment – all complaints will be held in the strictest confidence except where disclosure is necessary for investigation or corrective action or as required by law;
- e) Promptly taking the action necessary to stop and prevent harassment when it occurs or has occurred – appropriate action will be taken against persons who

are or were engaged or participated in harassment. This action should be sufficient to ensure the harassment stops and does not happen again.

5.0 College Community Members Duties:

All community members of the College shall:

- a) Promptly take the action necessary to stop and prevent harassment when it occurs or has occurred;
- b) Refrain from causing or participating in the harassment of another person; and
- c) Cooperate with any person investigating harassment complaints or a person taking any other action defined in the Taking Action to Prevent Harassment Guide as provided on the public directory and/or the Harassment Complaint Process.

* * *

POLICY 2.04

Subject: **Scent-Free**

Approval/Amendment Date(s): September 5, 2017, December 5, 2019

Associated Procedure/Documents:

Next Review Date:

Purpose/Philosophy:

A fragrance-free environment helps create a safe and healthy workplace. Fragrances from personal care products, air fresheners, candles and cleaning products have been associated with adversely affecting a person's health including headaches, upper respiratory symptoms, shortness of breath, and difficulty with concentration.

1.0 Scope:

All members of the College community must adhere to this policy including:

- a) staff;
- b) students;
- c) board members;
- d) contractors;
- e) visitors;
- f) volunteers; and
- g) guests.

2.0 Policy:

- a) The College expects that all offices, classrooms and other College spaces used by staff, students and visitors remain free of scented products.
- b) Personal care products such as cologne, perfume, aftershave lotions, scented lotions, fragranced hair products and/or similar products are not to be worn in the facilities owned and operated by the College including vehicles.
- c) Use of air fresheners and candles are prohibited from the facilities owned and operated by the College including vehicles.

* * *

POLICY 2.05

Subject: **Drug and Alcohol**

Approval/ Amendment Date(s): July 11, 2018, October 5, 2018

Associated Procedure/Documents: Policy 6.16 Employee Code of Conduct, Policy 4.02 Student Performance and Discipline

Next Review Date:

Purpose/Philosophy:

The College views drugs and alcohol as hazards to the workplace and risk to the reputation of the College. College community members have the right to work, study and reside in an environment free of substance abuse and with persons free from the effects of drugs and alcohol. The College strives to provide a safe and comfortable environment.

1.0 Scope:

All members of the College community must adhere to this policy including:

- a) staff;
- b) students;
- c) board members;
- d) contractors;
- e) visitors;
- f) volunteers; and
- g) guests.

2.0 Policy:

2.01 Alcohol and Drug Use:

- a) College community members are prohibited from; cultivating, distributing, selling, possessing, being impaired by, or under the influence of, drugs, alcohol or other controlled substances on College property, in College vehicles or in the performance of College business.

- b) Members who report to attend/work/study under the influence or impaired will be sent home via safe transportation immediately.

- c) College community members are obligated to inform the College if they are under the influence or impaired by the use of drugs (legal or illegal) that could adversely affect their job/academic performance, their safety, or the safety of others. Staff members must disclose to Human Resources to invoke the Accommodation Policy.
- d) Alcohol or drug use (legal or illegal), which adversely affects the job/academic performance or attendance or which could jeopardize the safety of other community members and College property, or violation of the clauses above may result in disciplinary action up to and including termination of employment, termination of contract, refusal of service, discontinuation of program, and/or termination of residence agreement.

2.02 Permitted Alcohol Use:

College community members are allowed to use alcohol in the following scenarios:

- a) College hosted and/or sponsored events;
- b) social gatherings and events hosted by College vendors or other related organizations; and
- c) when the member is representing the College at events or social gatherings.

College community members are expected to demonstrate reasonable and responsible use of alcohol and safeguard the reputation of the College. Failure to comply with these expectations may result in disciplinary action up to and including termination of employment, termination of contract, refusal of service, or discontinuation of program.

2.03 Alcohol and Drug Addiction

- a) College community members suffering from an alcohol or drug problem are strongly encouraged to seek medical treatment and rehabilitation through community programs before the problem interferes with job/academic performance. The decision to seek diagnosis and accept treatment for any suspected illness is the responsibility of the College community member.
- b) At any time staff members are eligible to confidentiality access the Employee Family Assistance Program.
- c) Staff members must disclose to Human Resources their addiction to invoke the Accommodation Policy.

Definition:

Impairment: The state of being mentally or physically diminished, weakened or damaged as a result of the consumption of alcohol and/or legal/illegal drugs (including prescription medications).

* * *

POLICY 2.06

Subject: **Employee Code of Conduct**

Approval/Amendment Date(s): August 16, 2011

Associated Procedure/Documents:

Next Review Date:

Policy:

North West College (subsequently referred to as the "College") is a large organization offering a wide range of essential services to the residents of our region and beyond. As such, our workforce includes many individuals with the diverse backgrounds and skills required to provide quality services.

As direct reflections of North West College, employees must perform their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the College. Our integrity must be manifested daily in everything our employees do. Trust and mutual respect are the cornerstones of any relationship between the public and its government institutions. Furthermore, as an organization entrusted with public funds, the College is obligated to ensure the protection and appropriate use of all its resources and assets.

The College is proud of its organization and the services it delivers to our students and clients. The College recognizes that it is only through the commitment and effort of each employee in its workforce that the excellent quality of these services is achieved and public trust is maintained in our institution. As its most valuable and important asset, College employees therefore are expected to demonstrate the highest standards of behaviour.

All employees are expected to be aware of, and comply with, this Employee Code of Conduct (the "Code").

This Code clarifies the College's expectations of its employees, and re-affirms our commitment to caring for our communities' needs and maintaining fiscal responsibility on behalf of the public and our employees. It provides a guide for consistent behaviour in delivering services. It brings together the principles contained in various College documents, administrative policies and plans. In short, this Code is simply a formal statement of the principles of conduct the College has always embraced. It does not,

however, address every law, rule or policy. It also is not a substitute for each employee's responsibility to exercise intelligence, common sense, and good judgment, and to obtain guidance when needed. Public service is a public trust, and as an organization entrusted with public funds, it is critical that every College employee be committed to the highest standards of ethical behaviour. It is in this spirit that this Code of Conduct exists.

The Code sets forth the basic ethical and legal principles that will consistently guide the College. It is important that each of us embrace the Code of Conduct, in everything we do.

1.0 Revisions:

The College's Employee Code of Conduct is a dynamic document meant to reflect our changing needs, realities and responsibilities. Therefore, as the College evolves and new issues arise, the Code will be periodically reviewed and modified to reflect the current environment. This review process will be managed by a committee of College representatives and be conducted at least once a year.

The College has the sole right to administer and interpret the standards and to determine to what extent they are applied in a particular case.

2.0 Employee Responsibility:

Employees of the College must follow the highest standards of ethical behaviour in the course of their work to ensure that public confidence and trust is maintained. The College and all its employees must be above suspicion and beyond reproach, and must be perceived in this manner.

All employees must:

- a) Sign off on the Code of Conduct agreement; (copy to be provided during orientation or can be obtained from HR)
- b) Personally abide by the Code;
- c) Not assist others in violating the Code; and
- d) Report to their Director any perceived violation and/or requests that might constitute a violation.

Supervisors have the additional responsibilities of:

- a) Serving as role models for compliance with the Code;
- b) Maintaining an environment that encourages open discussion about ethical and professional concerns;
- c) Being vigilant to prevent and detect violations of law, policy or the code;
- d) Immediately notifying their Director of any matter reported to them.

3.0 Principles of Conduct:

An employee shall not:

- a) engage in any business or transaction or have a financial or other personal interest that is incompatible with the discharge of the employee's official duties,
- b) be under an obligation to any person who might benefit from special consideration or favour from the employee or who might seek, in any way, preferential treatment,
- c) give, in the performance of their duties, preferential treatment to relatives or friends or to organizations in which relatives or friends have an interest, financial or otherwise,
- d) deal with an application to the College for a loan, scholarship or other benefit which involves themselves or immediate relatives,
- e) be in a position where the employee could derive any direct or indirect benefit or interest from any contracts about which the employee can influence decisions,
- f) benefit from the use of information acquired during the course of their duties that is not generally available to the public,
- g) engage in any outside work or activity or business undertaking:
- h) that interferes with the employee's duties;
- i) in which the employee has an advantage or appears to have an advantage derived from employment at the College;
- j) use College property, equipment, supplies or services for activities not associated with the discharge of official duties.

4.0 Violation of Code of Conduct:

The Code's references to guidelines and policies, as well as related expectations, re-affirms the College's commitment to integrity, objectivity and professionalism in delivering services to the public. Maintaining our clients' confidence and trust in the College and its employees is of the utmost importance. The high standards of conduct expressed in this document are intended to ensure that this public trust is not compromised.

Every employee is expected to be aware of, and act in compliance with, this Code and its related policies. If you perceive a conflict between the policies contained in this Code and any other College policies, seek guidance from your Director or the Human Resources Officer. Violation of these principles is a serious matter and will be dealt with as such by the College. Any employee, who has contravened these requirements, including the "reporting allegations" obligation to report any knowledge of wrongdoing, shall be subject to appropriate disciplinary action, up to and including dismissal. Any employee under investigation may be suspended with or without pay or be re-assigned

to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the College.

If you have any questions about this Code or any doubt as to the propriety of a course of action, you should consult with your Director or the Human Resources Officer. To guide you in determining whether a particular action is appropriate, ask yourself the following questions:

- a) Would my action comply with the spirit and purpose of College policies?
- b) Would I feel comfortable about doing this, or would it violate my personal standard of conduct?
- c) Is this action honest in all respects?
- d) How might the action affect others?
- e) Would this action embarrass me if it became known to my clients, co-workers, family or friends?
- f) Have I fully explored all aspects of the issue? What additional advice or information might be useful?
- g) Does this feel like the right thing to do?

5.0 Employee Professionalism:

Employees interact with clients in receipt of College services or programs, community agencies, contractors, suppliers, and the general public on a daily basis. Employees must be professional, courteous and objective in all of these interactions.

The College's employees are its ambassadors and are expected to reflect a professional image at all times. Depending on the nature of the work of the employee, certain attire may not be appropriate. Employees are requested to be mindful of their attire and dress appropriately for their job. Each employee must also be conscious of the College's public duty and their part in the discharge of that duty. They are expected to conduct themselves with the highest degree of ethical behaviour and integrity.

As with such external relations, employees must also be professional and courteous with their co-workers. They should be aware that inappropriate behaviour in the workplace has a negative effect on others. Examples include excessive noise, inappropriate classroom or office decorations, using but not cleaning dishes, potentially offensive pictures and jokes, profanity and demonstrating little or no respect for other's workspace and personal belongings. Employees are expected to be reasonable and fair in their expectations of each other and resolve any conflict in a mature and professional manner.

Employees receive remuneration in exchange for their work effort and time. The College considers excessive use of time during the workday to attend to personal matters, to be

theft of time. Periodically employees may be contacted by family or other personal contacts, for reasons that are acceptable to the College. Likewise, on an infrequent basis employees may need to leave the College to attend to an urgent personal matter.

College employees will exhibit an appropriate level of professionalism and propriety in the workplace. Whenever possible and if it is necessary employees are expected to communicate with family, friends, schedule medical appointments, respond to telephone calls or electronic messages, leave the workplace, etc., for personal matters, during the lunch hour or outside of scheduled hours of work. The use of personal mobile phones and other mobile electronic devices to communicate (including text messages) for personal reasons, during the employee's scheduled hours of work is prohibited.

Employees repeatedly or excessively engaged in activities unrelated to their employment with the College, during their scheduled hours of work, will be dealt with accordingly.

6.0 Media and Public Relations:

Communications with the media and public will be conducted so that all information originates from an authoritative source within the College. The official spokespersons for the College include the President and PRESIDENT, the Director of Finance and Administration or an approved spokesperson. Prior approval for any media comments or public relations activities should be sought from these people.

It is not the intent of this Code to restrict the ability of employees to express a personal opinion on matters of general interest. In such cases, the employee must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the College.

Similarly, the employee must use caution to ensure that the College's interests are not compromised in any way, either by the use of College letterhead, E-mail addresses or by any other implication. It is a violation of this code to make personal entries (non-employment related comments or entries based on personal opinion) on public forums, blogs or social networking sites using College resources and/or during the employee's scheduled work time.

7.0 Conflict of Interest:

A conflict of interest occurs when, in the course of an employee's duties, the employee is called upon to deal with a matter in which the employee has a direct or indirect personal and/or financial interest. A direct interest can occur when an employee may derive, or be seen to derive, some financial or personal benefit or avoid financial or personal loss. An indirect interest may arise when the potential benefit or loss would be experienced by another person or corporation having a relationship with the employee.

These benefits, losses, interests and relationships are generally financial in nature but are not limited to such. In other words, a conflict arises when an employee participates in activities, which could advance a personal interest at the expense of the College's interests or image. Any behaviour that is a conflict, or could be perceived as a conflict, is prohibited and subject to disciplinary action.

Some of the more common areas of potential conflicts include the following:

- a) An employee may not make a personal bid on the sale of College property or goods, except those disposed of at public auction.
- b) The choice of suppliers of goods and services to the College must be based on competitive considerations of quality, price, service and benefit to the College, and must comply with its policies. Contracts will be awarded in a fair and legal manner and are subject to the established tendering procedure. Use of one's position or knowledge to influence this process for direct or indirect personal gain is prohibited. Employees must not represent themselves as being in a position to commit the College to the purchase of goods or services except in accordance with relevant policies and practices, and within the recognized authority of their position.
- c) When it is necessary to engage the services of an individual or firm to consult for, or otherwise represent the College, special consideration must be given to avoid conflicts of interest between the College and the person or firm to be employed.
- d) Any employee that believes they, or someone else, is in breach of these provisions must comply with the disclosure requirements of the Code.
- e) Any doubt whether an employee is in conflict of interest should be addressed by a letter from the employee to his or her director, seeking direction on the matter.
- f) Post-employment conflict: employees shall not act, after they leave their position with the College, in such a manner as to take improper advantage of their previous position with the College.

8.0 Gifts and Entertainment:

Employees must make workplace decisions based on an impartial and objective assessment of each situation, free from the influence of gifts, favours, hospitality or entertainment. The College must avoid both the reality and the appearance of impropriety with the organizations or individuals with whom it deals.

Therefore, employees shall neither offer nor accept any gifts, favours, hospitality or entertainment that could reasonably be construed as being given in anticipation of future, or recognition of past, "special consideration" by the College. The public's perception of the integrity of the College and its employees is of great importance. We

must bear in mind that what an individual employee feels is an appropriate gift in certain circumstances may not be viewed in the same light by the taxpayers or the media.

Gifts and entertainment may be given, on rare occasions, to others at the College's expense only if they are consistent with accepted business practices. As a general rule, the acceptance of even customary business amenities should be avoided. However, it is recognized that this type of hospitality may be acceptable within strict limits as a part of some reciprocal business relationships or to develop a network, which is of benefit to the College. An employee may pay for or accept customary business hospitality, such as meals, provided:

- a) the expenses involved are at a reasonable level,
- b) they are infrequent,
- c) they can clearly be seen as legitimately serving a definite business purpose, and
- d) they are appropriately related to the responsibilities of the individual.

By way of example, promotional items of nominal value (e.g. mugs, hats, shirts, pens) are considered acceptable.

Similarly, employees who are asked to speak publicly to an organization or professional association may accept a small gift provided it is reasonable under all of the circumstances. In cases where employees are asked to speak or make presentations to share information with colleagues, it may also be permissible to accept the offer of travel and/or accommodations. The employee should consult with his/her Director before accepting any offers. Employees may not accept travel, accommodations or other forms of hospitality when speaking at conferences or business functions where the purpose of the event is to solicit business from the College.

Employees should protect their integrity and prevent the appearance of a bias or conflict of interest by refusing all other forms of gifts. Repeated offers of gifts by outside persons or firms should be reported to management.

The responsibility to avoid actual or perceived conflicts of interest rests with each employee. However, guidance may be sought from your Director or the President.

9.0 Political and Community Activity:

To ensure public trust in the College, employees must be and appear to be, both personally impartial and free of undue political influence in the exercise of their official duties.

The College encourages employees to take part in community activities. However, it is important to bear in mind that such service, at times, may place the employee in a real

or perceived conflict of interest situation. As a member of a community board or external committee, the employee must continually assess their involvement and expected decision-making responsibilities in light of their employment with the College. To ensure the existence and appearance of objectivity, employees should abstain from involvement in those decisions or votes that would create, or be seen to create, a conflict of interest. An employee must notify the College management of such potential or actual conflict of interest situations.

Similarly, employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activities at the federal, provincial or municipal levels providing such activity does not take place during work hours or utilize College assets, resources or property. Notices, posters or similar material in support of a particular candidate, political party or political position are not to be displayed or distributed by employees on College work sites or on College property.

Employees wishing to run for a government political office must request, and obtain, a leave of absence without pay, and abide by the respective legislation governing such elections.

10.0 Family/personal Relationships (Nepotism):

As an employer responsible for providing a variety of programs and services to the citizens of our region and beyond, College employees must ensure that their personal lives and their official duties co-exist independent of each other.

One area of concern is with respect to "nepotism" or the appointment to a position or the receipt of an employment benefit based on one's kinship or family relatives. As in other areas of College business, there is an expectation, shared by the public and College staff alike, that all hiring, promotions, performance appraisals or discipline will be undertaken in an objective and impartial manner. In order to meet this expectation, the College prohibits employment situations where relatives would:

- a) be supervised by, or subordinate to, one another,
- b) be given preferential treatment in being recruited and/or selected for vacancies,
or
- c) be appointed to positions where job responsibilities would be incompatible with positions occupied by relatives.

Should these or any other nepotism issues arise, employees are required to disclose the particulars to their Director for appropriate resolution.

A related concern surrounds the personal relationships between employees and friends that are in receipt of College services, especially those persons that may be seen to be vulnerable clients.

Once again, the integrity of the College as an objective and impartial public service provider may be jeopardized when an employee's personal relationship with a client appears to be the reason that the person is in receipt of the College service or the program. These types of misperceptions can arise in a variety of scenarios, for example:

- a) an employee dating a client who is in receipt of funding for a government program administered by the College, or
- b) an employee who, due to their close relationship with a client in counseling, has been listed as a beneficiary in the will of the client.

Should any of these types of personal relationships arise, the employee involved is required to disclose this perceived conflict of interest in writing to their Director, who will then address the matter accordingly.

11.0 Outside Business Activity (Moonlighting):

An employee must ensure that "moonlighting" at an external job does not negatively impact on their effectiveness at the College, nor contravene any of its related policies and procedures. Employees considering or already engaged in outside employment activity must comply with the following guidelines:

- a) the outside job must not conflict with their College hours of work,
- b) outside activities must not interfere with the efficient performance of College duties,
- c) employee's external business activities must not compete with College services,
- d) employees shall not use the College's time or resources, such as vehicles, photocopiers, stationery, fax machines, computers, E-mail, internet, printers, mobile phones, pagers or other mobile electronic devices, for the benefit of their second job or for non-work related activities, and
- e) employees shall not engage in any business activity or have a financial or other personal interest that is incompatible with the employee's College duties.

Employees must act in the best interests of the College and the taxpayer. Responsibility to avoid actual or perceived conflicts of interest lies with the individual employee. Employees should disclose in writing all moonlighting situations with their Director in order to receive their approval and to ensure compliance with the Code and its related policies.

12.0 Related Obligations (Professional Associations):

Nothing in this Code is intended to conflict with the College's obligations to its employees under its various collective agreements or employment contracts. As well as this Code, many employees may also be subject to other rules of conduct or ethics as part of their professional affiliations. These employees, including accountants, nurses and teachers/instructors, should review those expectations with their respective professional associations.

13.0 Fraud/theft:

In general, fraud is an act committed which, through deceit, falsehood or other such behaviour, either deprives the College of its assets, property or other resources (this includes theft), or causes the College to act to its own detriment or prejudice.

Fraud may include acts committed with the intent to deceive, involving either misappropriation of College assets, property or other resources or misrepresentations of financial or other information to conceal such misappropriation, by such means as:

- a) manipulation, falsification or alteration of records or documents,
- b) suppression of information, transactions or documents,
- c) recording of transactions without substance, or
- d) misapplication of accounting principles.

Each employee has a responsibility to ensure that his or her weekly time report accurately sets forth the actual hours worked. All employees are required to complete time sheets in accordance with the requirements established by the College. Each supervisor has a responsibility to ensure that the timesheets he/she is approving are accurate and reflect actual hours worked by the individual employee.

All employees shall work in accordance with both the College controls established to prevent fraudulent misconduct and all applicable legislation, regulations and government guidelines. All employees shall exercise honesty, integrity, objectivity and diligence and shall not knowingly be a party to any fraudulent activity, including theft. Each employee is encouraged to report, in writing, any knowledge or suspicion of fraud to their Director.

All College Directors are responsible for ensuring that adequate internal controls are in place to prevent and detect fraud. Management is accountable for monitoring employee activity and performance and ensuring all employees are aware of, and in compliance with, controls, policies and procedures.

All confirmed incidents of fraud or theft committed against the College will be viewed as acts of criminal activity and will be treated accordingly.

14.0 Alcohol and Drug Use:

Employees must abide by applicable laws and regulations governing the possession or use of alcohol and drugs. The illegal use, sale, purchase, transfer or possession of any restricted or controlled drug, narcotic or any other substance while on College premises, or during working hours is prohibited and will result in discipline.

It is never permissible for employees to attend to their job duties and responsibilities having consumed alcohol, be under the influence of drugs or other similar substances, which might adversely affect performance on the job.

Similarly, the College prohibits the sale, purchase, transfer, distribution, or unauthorized possession/consumption of any alcoholic beverages by employees while on College premises or while performing their College functions.

Employees who may be experiencing problems related to alcohol and drug use are encouraged to access the Employee and Family Assistance Program provided by the College.

15.0 Privacy:

Employees with access to personal information about clients/students and/or other employees must act diligently to safeguard the confidentiality of such information and to provide that information to others only when based upon a business need to do so and only when permitted by law.

16.0 Disclosure:

This Code applies to all College employees. As such, each employee is required to be knowledgeable about the Code, all related College policies, guidelines, government regulations and internal controls applicable to their jobs. As such, each employee is required to address any situations of actual or potential non-compliance. For example, when an employee believes that they may be in breach of the Code, then that employee must make prompt and full disclosure in writing to their College Director or their designated official. This disclosure should include a detailed description of the actual or potential breach.

An actual or potential breach may arise without any intentional wrongdoing or improper conduct on the part of the employee. In those circumstances, employees will not be disciplined or treated adversely for making prompt and full disclosure. However, all employees are expected to make every effort to avoid such circumstances. Employees are to use sound judgment and apply the Code in a proactive fashion in order to maintain the public's trust in the College's objectivity and integrity. An employee

failing to disclose an actual or potential breach of the Code may be subject to discipline.

17.0 Reporting Allegation:

In addition to the self-disclosure obligation, if an employee suspects fraudulent acts, breach of trust or other wrongdoing by a co-worker, the employee must report it to his/her Director or their designated official. Every effort will be made to protect the confidentiality of such information.

All employees must cooperate fully during an investigation of suspected wrongdoing in relation to any activities outlined in this Code. The College will assist an employee who makes a good faith report pursuant to this Code. Retaliation against someone who reports a violation of the Code, is a witness or is involved in an investigation is strictly prohibited.

* * *

PROCEDURE B 2.03

Subject: **Harassment Complaint Procedures**

Approval/Amendment Date(s): November 1, 2012

Associated Procedure/Documents: Policy 2.03 Anti-Harassment

Next Review Date:

B 2.03.01 Purpose:

This document sets out three types of complaint procedures that may be used. They are procedures that apply where:

- a) no alleged harasser is named, and an informal resolution is sought,
- b) an alleged harasser is named, and an informal resolution or mediation is sought, or
- c) an alleged harasser is named, and an investigation is required,
- d) the College becomes aware of an incident of alleged harassment without notification from the alleged victim.

B 2.03.02 Designated Persons:

Formal or informal harassment complaints can be made to the Supervisor, Out-Of-Scope Manager, the Human Resources Officer, Union Official or the CEO.

B 2.03.03 Representation:

Union members have a right to union representation during any of these processes. Non-union employees are also entitled to representation by a person of their choice.

B 2.03.04 Attachment(s):

- a) Harassment Complaint Form
- b) Complaint Procedure - Option 1 - no alleged harasser named - informal resolution sought
- c) Complaint Procedure - Option 2 - alleged harasser named - informal resolution or mediation sought
- d) Complaint Procedure - Option 3 - alleged harasser named - investigation required

- e) Complaint Procedure - Option 4 - The College becomes aware of an incident of alleged harassment without notification from the alleged harassed person
- f) Taking Action to Stop and Prevent Harassment

North West College

HARASSMENT COMPLAINT FORM – STRICTLY CONFIDENTIAL

Please complete the form in confidence and submit it to a designated person as identified in the Harassment Complaint Process.

Section One – Complainant Information

Name: _____

Date: _____

Workplace Location: _____

On what grounds did the alleged harassment occur? Please check any that apply to your situation.

- Sexual Harassment, which is conduct, comments, gestures or contact of a sexual nature, that is offensive, unsolicited or unwelcome.

Harassment is any inappropriate conduct, comment, display, action or gesture by a person, that constitutes a threat to the health or safety of a worker and that falls within **one of two categories**.¹

1. Harassment based on prohibited grounds (Definitions of the prohibited grounds are provided at the end of this form):

- | | |
|---|---|
| <input type="checkbox"/> Religion | <input type="checkbox"/> Colour |
| <input type="checkbox"/> Creed | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Marital status | <input type="checkbox"/> Nationality |
| <input type="checkbox"/> Family status | <input type="checkbox"/> Physical size or weight |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Place of origin |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Race or perceived race |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Receipt of public assistance |
| <input type="checkbox"/> Age | |

OR

2. Personal Harassment – harassment that adversely affects the worker's psychological or physical well-being and that the person knows or ought to reasonably know would cause a worker to be humiliated or intimidated. Under this category, the harassment must:
- Involve repeated action or display **or**
 - Involve a single, serious occurrence that has been established to have caused a lasting harmful effect on a worker **and**
 - Not be any reasonable action that is taken by an employer or supervisor relating to the management and direction of the employer's workers or the place of employment.¹

¹ Government of Saskatchewan, Advanced Education Employment and Labour, OHS Publications, Hazard Alerts, Safety Bulletins - Harassment, www.labour.gov.sk.ca/harassmentpg - October 1, 2007

Please attach copies of any documents that you consider relevant.

Section Seven – Signature

By signing this complaint, I am agreeing to have the allegations of harassment communicated in summary format to the respondent, and with the consent of the respondent(s), their union representative, if applicable.

Signature of Complainant

Date

Definitions of Prohibited Grounds:

Religion - Includes all aspects of religious observance and practice as well as beliefs.

Creed - Means religious creed. A professed system and confession of faith, including both beliefs and observances or worship. A belief in a god or gods or a single Supreme Being or deity is not a requisite.

Marital status - Means that state of being engaged to be married, married, single, separated, divorced, widowed or living in a common-law relationship, but discrimination on the basis of a relationship with a particular person is not discrimination on the basis of marital status.

Family status - Means the status of being in a parent and child relationship.

“*Child*” means son, daughter, stepson, stepdaughter, adopted child and person to whom another person stands in place of a parent.

“*parent*” means father, mother, stepfather, stepmother, adoptive parent and person who stands in place of a parent to another person.

Sex - Means gender and discrimination on the basis of pregnancy or pregnancy-related illnesses is deemed to be discrimination on the basis of sex.

Sexual orientation - A private preference of an individual for heterosexuality, homosexuality or bisexuality; or a history of such a preference or an identification with having such a preference.

Disability - Any degree of physical disability, infirmity, malformation or disfigurement and, without limiting the generality of the foregoing, includes:

- a) epilepsy
- b) any degree of paralysis
- c) amputation
- d) lack of physical co-ordination
- e) blindness or visual impediment
- f) deafness or hearing impediment
- g) muteness or speech impediment
- h) physical reliance on a service animal, wheelchair or other remedial appliance or device
- i) an intellectual disability or impairment
- j) a learning disability or a dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language
- k) a mental disorder.

Age - Means any age of eighteen years or more.

Colour - Refers to skin tone and most particularly, to those whose skin colour is not white. Discrimination on the basis of colour then refers to racism.

Ancestry - A line of people from whom one is descended; family descent.

Nationality - Is a legal status, acquired by birth or naturalization, which signifies which country one belongs to. A passport is issued on the basis of this legal status.

Physical size or weight

Place of origin - The geographical location of one's birthplace.

Race or perceived race - Refers to a group of people of common ancestry, distinguished from others by physical characteristics such as colour of skin, shape of eyes, hair texture or facial features.

Receipt of public assistance - Means the receipt of:

- a) assistance as defined in *The Saskatchewan Assistance Act*; or
- b) a benefit as defined in *The Saskatchewan Income Plan Act*.²

² Definitions supplied by the Saskatchewan Human Rights Code being Chapter S-24.1 of the Statutes of Saskatchewan, 1979(effective August 7, 1979) as amended by the Statutes of Saskatchewan, 1980-81, c.41 and 81; 1989-90, c.23;1989-90, 1993, c.55 and 61; 2000, c.26; and 2007, c.39., the Canadian Human Rights Commission and the Saskatchewan Occupation Health and Safety Act

COMPLAINT PROCEDURE OPTION 1

No alleged harasser named – informal resolution sought

Step 1

An individual reports an incident or concern to the Supervisor, their Out-Of-Scope Manager or anyone designated to receive harassment complaints.

Step 2

The person receiving the complaint:

- a) reviews the complaint procedures identified herein and the options identified in Appendix A of this policy with the complainant, and
- b) informs the Out-Of-Scope Manager of the complaint.

Step 3

The Out-Of-Scope Manager takes action appropriate and necessary to address the complaint. Such action may include:

- a) conducting a staff meeting to discuss and review the policy, and
- b) providing workshops, videos or written information on the prevention of harassment.

If the Out-of-Scope Manager assesses the nature and severity of the claim as too serious to be dealt with at this level, then the Out-Of-Scope manager will inform the complainant as necessary. The claim will be dealt with at either Option 2 or Option 3, depending on the nature and severity of the claim.

The Out-Of-Scope Manager informs the complainant of the action that is taken to address the complaint or concern. Note: Where the complainant has alleged that the harassment has not ended, the complainant will submit his/her complaint in writing. The written complaint will identify the particulars including the alleged harasser(s). This will allow the College to appropriately address the complaint using either the informal resolution processes or an investigation may be initiated.

Confidentiality

The College, or anyone acting on behalf of the College, should not disclose the complainant's name or other identifying information to any person. In certain circumstances, the complainant may agree to release identifying information in order to implement the harassment policy, the resolution process or the final resolution itself.

COMPLAINT PROCEDURE OPTION 2

Alleged harasser named – informal resolution or mediation sought

Step 1

An individual reports an incident or concern to their Supervisor, Out-Of-Scope Manager or anyone designated to receive harassment complaints. The complaint shall be recorded in writing.

Where an informal resolution is sought, the complainant should indicate the type of resolution and resolution process s/he is seeking. Examples include: an apology, supervisory counseling, a facilitated meeting with the alleged harasser, workshop or training sessions, and mediation.

Step 2

The designated person receiving the complaint:

- a) reviews the complaint procedures identified herein and the options identified in Appendix A of the policy, with the complainant, and
- b) informs the Out-Of-Scope Manager of the complaint. This will include a meeting between the complainant and the Out-Of-Scope Manager to discuss the complaint. Where it is alleged that the Out-Of-Scope Manager is involved in the harassment, the person receiving the complaint refers the matter to another Out-Of-Scope Manager.

The Out-of-Scope Manager:

- a) meets privately with the alleged harasser to review the complaint.
- b) in consultation with Human Resources, the Out-Of-Scope Manager will determine whether the conduct complained about falls within the harassment policy.
- c) if harassment has occurred, the Out-Of-Scope Manager will determine if there is agreement on a resolution or a resolution process. If no harassment has occurred, the Out-Of-Scope Manager will inform the complainant of the determination and the harassment complaint process ends or the complainant may request an investigation, as set out in Complaint Procedure Option 3.

Step 3

Where there is agreement on the resolution or resolution process to be used, the Out-Of-Scope Manager:

- a) facilitates the agreed upon resolution or resolution process.

Step 4

The complainant is informed that s/he may move to the formal complaint procedure Option 3:

- a) if the complainant, the alleged harasser, or the Out-Of-Scope Manager do not agree to a resolution process, or
- b) if the resolution process does not resolve the matter to the complainant's satisfaction.

Step 5

Where the complainant and alleged harasser agree to a resolution, the Out-Of-Scope Manager follows up with the complainant to ensure the agreed resolution was effective in stopping and preventing further harassment.

Where the complainant indicates that the harassment has not ended, the Out-Of-Scope Manager counsels the complainant to pursue an alternate resolution process, including a formal investigation.

Confidentiality

The College, or anyone acting on behalf of the College, should not disclose either the complainant's or alleged harasser's name or other identifying information to any person. In certain circumstances, the complainant and alleged harasser may agree to release identifying information in order to implement the harassment policy, the resolution process or the final resolution itself.

COMPLAINT PROCEDURE OPTION 3

Alleged harasser named – investigation required

Step 1

An individual reports an incident or concern to their Supervisor, their Out-Of-Scope Manager or anyone designated to receive harassment complaints. The complaint should be in writing, be dated and contain the following information:

- a) the name and job title of the complainant and contact information
- b) the name and job title of the alleged harasser and available contact information
- c) a description of the conduct, display or events considered objectionable, including dates and location of events; the details of the complaint should describe the behaviour that you are objecting to.
 - i) What was said or done?
 - ii) When?
 - iii) How often?
 - iv) Where?
 - v) The circumstances surrounding the incident(s).
 - vi) Describe what has been done so far, in response to the behaviour.
- d) the names and available contact information of any possible witnesses
- e) a description of the basis of the alleged harassment. (e.g., sex, age, ancestry, disability, physical size, marital status, adverse effect on a person's well-being)
- f) the remedy sought.
- g) other information or material the complainant considers relevant
- h) the signature of the complainant

Step 2

The designated person receiving the complaint:

- a) reviews the complaint procedures identified herein and the options identified in Appendix A of this policy with the complainant, and
- b) provides a copy of the written complaint to the Out-Of-Scope Manager (where it is alleged the manager is directly involved in the harassment, the person receiving the complaint refers the matter to another Out-Of-Scope Manager),
- c) the Out-Of-Scope Manager provides a copy of the written complaint to the alleged harasser, and reviews the complaint procedures with the alleged harasser.
- d) the Out-Of-Scope Manager requests a written statement in response to the complaint, from the alleged harasser.
- e) the Out-Of-Scope Manager determines whether the conduct complained about falls within the harassment policy.

Step 3

The person receiving the complaint, the Out-Of-Scope Manager, the Human Resources Officer and the Union Official where one has been requested, review the complaint and determine:

- a) whether there are resolution options, other than investigation, that are available and acceptable to the complainant and alleged harasser or
- b) determine who will conduct the investigation where one is required.

Step 4

Where an investigation is required, the College appoints an investigator or team of Investigators, in consultation with the Union.

The Investigator(s) will:

- a) be trained in conducting an investigation and will operate in accordance with this policy, and
- b) have no apparent bias or interest in the outcome of the investigation;

Where the complainant or the alleged harasser objects to the appointment of an investigator, on the basis of bias or conflict of interest, the College, in consultation with the union, will appoint another investigator.

Step 5

The investigator(s) conducts an investigation in accordance with the following guidelines:

- a) the investigation commences and concludes as soon as reasonably possible.
- b) witnesses are interviewed separately, and written witness statements are prepared.
- c) witnesses are asked to review and sign their written statements.
- d) witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless they are required to disclose them by law.
- e) during the investigation process, both the complainant and the alleged harasser are entitled:
 - i) to be informed of all the allegations made against them, and
 - ii) be allowed the opportunity to make a full answer and defense.

This does not mean that either party is entitled to see or receive copies of the complete statements. Both are entitled, however, to see or receive an adequate summary of the evidence to make a full answer and defense.

Step 6

Once the investigation is complete, the investigator(s) will prepare a written report setting out:

- a) a summary of the evidence,
- b) a description of any conflict in the evidence,

- c) the investigator's conclusions on the facts and reasons for reaching that conclusion, and
- d) any recommended corrective action where harassment has been found to have occurred.

The investigator's report will be delivered to the Out-Of-Scope Manager, the Human Resources Officer, the complainant, the alleged harasser, the person receiving the complaint and the union representative(s) where union representation has been requested. The report is marked as confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action or other legal remedies.

Step 7

The College:

- a) takes corrective action that the College considers appropriate and effective,
- b) informs the complainant and harasser of the corrective action. Where the corrective action is different from the action recommended in the investigator's report, the College should provide reasons for not taking the investigator's recommended action,
- c) informs the complainant of his/her right to file a complaint with The Occupational Health and Safety Division and/or The Saskatchewan Human Rights Commission.

Step 8

The College, after the corrective action has been taken, follows up with the complainant to ensure that the corrective action was effective in stopping and preventing harassment. If the complainant indicates that harassment has not ended, or that s/he has suffered reprisal as a result of making the complaint, the College should take additional or alternative corrective action to resolve the complaint.

Disclosure of investigation documents

All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

Confidentiality

The College or anyone acting on behalf of the College, should not disclose the name of the complainant or the alleged harasser, as well as any information that may identify the complainant or alleged harasser. The disclosure of such information may be necessary, however, to conduct the investigation, implement corrective action, or pursue other legal remedies.

COMPLAINT PROCEDURE OPTION 4

The College becomes aware of an incident of alleged harassment without notification from the alleged harassed person

Where the College becomes aware of an incident of alleged harassment, the College is required to take action in a timely manner.

Step 1

Once the College is made aware of an incident of alleged harassment without notification from the alleged harassed person, the Out-of-Scope manager will contact the person who was allegedly harassed. The alleged harassed person and the Out-of-Scope manager will discuss the nature of the alleged incident.

Step 2

The Out-of-Scope manager will confirm whether the alleged harassed person wishes to report the incident. If the alleged harassed person elects to report the incident of alleged harassment, then the Out-of-Scope manager will review the Complaint Procedure Options 1 to 3 with the employee. The Out-of-Scope manager takes action appropriate and necessary to address the incident.

Step 3

If the employee elects not to report the alleged incident of harassment, then the employee will produce a written statement to this effect.

Step 4

In order to determine how to address the alleged incident of harassment, the Out-of-Scope Manager will gather facts and take witness statements where necessary. The gathering of facts will include the following steps:

- a) the alleged incident shall be recorded in writing. This statement will be provided by the person(s) who brought the matter forward to a designated person.
- b) witnesses are interviewed separately, and written witness statements are prepared. Witnesses are asked to sign their written statements.
- c) the Out-of-Scope Manager meets privately with the alleged harasser.
- d) witnesses are advised to keep the investigation and the identity of the alleged harassed person and alleged harasser in confidence, unless they are required to disclose them by law.
- e) any other pertinent evidence is gathered.

The Out-of-Scope Manager, in consultation with the Human Resources Officer, will review and assess the data and determine whether the matter will be dealt with under the Anti-Harassment policy. If the alleged conduct falls within the definition of harassment as stated in the Anti-Harassment policy, the Out-of-Scope Manager follows the steps within either Complaint Procedure 1 or 2 or the Out-of-Scope Manager follows the steps below where an investigation is required to address the incident. The choice of Complaint Procedure Option will depend on the nature and severity of the incident.

If the conduct does not fall within the definition of harassment as stated in the Anti-Harassment policy, the matter will be dealt with outside of these procedures.

Where an investigation is required, the College appoints an investigator or team of Investigators, in consultation with the Union.

The Investigator(s) will:

- a) be trained in conducting an investigation and will operate in accordance with this policy, and
- b) have no apparent bias or interest in the outcome of the investigation;

Where the alleged harasser objects to the appointment of an investigator, on the basis of bias or conflict of interest, the College, in consultation with the union, will appoint another investigator.

Step 5

The investigator(s) conducts an investigation in accordance with the following guidelines:

- a) the investigation commences and concludes as soon as reasonably possible.
- b) witnesses are interviewed separately, and written witness statements are prepared.
- c) witnesses are asked to review and sign their written statements.
- d) witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless they are required to disclose them by law.
- e) during the investigation process, the alleged harasser is entitled:
 - i) to be informed of all the allegations made against them, and
 - ii) be allowed the opportunity to make a full answer and defense.

This does not mean that the alleged harasser is entitled to see or receive copies of the complete statements. They are entitled, however, to see or receive an adequate summary of the evidence to make a full answer and defense.

Step 6

Once the investigation is complete, the investigator(s) will prepare a written report setting out:

- a) a summary of the evidence,

- b) a description of any conflict in the evidence,
- c) the investigator's conclusions on the facts and reasons for reaching that conclusion, and
- d) any recommended corrective action where harassment has been found to have occurred.

The investigator's report will be delivered to the Out-Of-Scope Manager, the Human Resources Officer, the alleged harasser, the person receiving the complaint and the union representative(s) where union representation has been requested. The report is marked as confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action or other legal remedies.

Step 7

The College:

- a) takes corrective action that the College considers appropriate and effective,
- b) informs the complainant and harasser of the corrective action. Where the corrective action is different from the action recommended in the investigator's report, the College should provide reasons for not taking the investigator's recommended action,
- c) informs the complainant of his/her right to file a complaint with The Occupational Health and Safety Division and/or The Saskatchewan Human Rights Commission.

Step 8

The College, after the corrective action has been taken, follows up with the harassed person to ensure that the corrective action was effective in stopping and preventing harassment. If the harassed person indicates that harassment has not ended, or that s/he has suffered reprisal, the College should take additional or alternative corrective action.

Disclosure of investigation documents

All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

Disclosure of incident

Anyone who becomes aware of an incident of alleged harassment must notify an Out-of-Scope manager as soon as is reasonably practicable. This requirement exists in College policy, within the Saskatchewan Human Rights Code as well as the Saskatchewan Occupational Health and Safety Act.

Confidentiality

The College or anyone acting on behalf of the College should not disclose the name of the alleged harassed person or the alleged harasser, as well as any information that may identify the alleged harassed person or alleged harasser. The disclosure of such information may be necessary, however, to conduct the investigation, implement corrective action, or pursue other legal remedies.

North West College

Attachment B 2.03.04(f)

Taking Action to Stop and Prevent Harassment

In taking action to stop harassment and prevent its reoccurrence, the College will be guided by the following considerations and options.

Individual Awareness and Counseling

Individuals may not be aware of the effects of their behavior. In many cases, speaking to the person in private about the inappropriate behavior will be enough to resolve a situation.

In some instances, it may be most effective and less disruptive to working relationships if the complainant informs the offending individual that s/he finds certain conduct offensive. In other instances, it may be more effective for a designated person (see facilitated problem solving as defined below) to speak with the offending person. At other times, a meeting between the complainant and alleged harasser facilitated by the Supervisor, Out-Of-Scope Manager or Human Resources Officer may be appropriate.

The normal course of action is for the complainant to deal with the inappropriate behavior themselves. However, complainants should not be encouraged to confront the alleged harasser if:

- a) they are reluctant to do so and/or,
- b) the alleged harassment is of a very serious nature

In these circumstances the complainant informs a designated person as identified in the Harassment Complaint Process.

Facilitated Problem Solving

If a complainant feels harassed and is unable to approach the other person or speaking to the person does not improve the situation, an employee may discuss the problem with the Supervisor, Out-Of-Scope Manager, Human Resources Officer or Union Steward. These individuals receive specific training and can help assess options, develop an action plan for resolution and implement the plan. If necessary, the Out-Of-Scope Manager or Human Resources Officer can help identify and access a facilitator who may assist the complainant and the respondent to work out an acceptable resolution. The Out-Of-Scope Manager or Human Resources Officer will also be responsible for following-up to determine if the problem has been resolved.

Staff Awareness and Counseling

Standards of behavior change over the years. Some individuals or groups may not be aware that behavior, which was acceptable to their co-workers in the past, is not acceptable anymore. As soon as the College becomes aware of the behavior, the College will provide individual counseling to prevent the behavior in the future. A staff awareness session may also be provided, as a preventative measure, and to correct behaviors based on lack of awareness.

Interim Action

A Supervisor or Out-Of-Scope Manager may have grounds to believe that a complainant will be exposed to continued harassment or reprisal while waiting for the investigation or resolution process to occur. If so, the Supervisor or Out-Of-Scope Manager should take action to protect the employee from continued harassment or reprisal. Any interim action should respect the alleged harasser's rights based on the Collective Agreement. Considering these rights, the action may include:

- a) cautioning the alleged harasser about the types of behavior or reprisals that will not be tolerated,
- b) moving the alleged harasser to another work unit,
- c) at the complainant's request, moving the complainant to another work unit,
- d) suspending the alleged harasser with or without pay while waiting for a final determination.

Mediation

Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the respondent, for the purpose of resolving the complaint.

Mediation may take place at any point in the resolution process as long as both parties agree to participate in mediation. Where the complainant and alleged harasser agree to participate in mediation, the Out-Of-Scope Manager or the Human Resources Officer shall arrange for a person, who is trained and independent, to act as mediator.

Corrective Action

If it is determined that harassment has occurred, the College shall determine what appropriate restorative action is to be taken. The offending party may be subject to disciplinary action as part of the restorative process that is applied.

The College will communicate to the complainant(s) and respondent(s) the details of the restorative action plan and its implementation. Where disciplinary action is applied as part of the restorative plan, the College will, on a confidential basis, inform the complainant(s) of the discipline imposed on the respondent(s), the rationale for imposing discipline and the relevant considerations taken into account. If it is determined that disciplinary action will not be imposed as part of the restorative plan, that decision will also be communicated and explained to the complainant(s).

On a case-by-case basis, the College may determine that for a restorative action plan to be successful, it may need to include communicating information about the disciplinary action to other employees.

Third Party Harassers

Clients, contractors or other people invited to the College might engage or participate in the harassment of a College employee. The College may have limited ability to investigate or control their conduct. However, the College shall take reasonably practicable action to stop or reduce the risk to its employees of being harassed by third parties.

This action may include removing students, clients or contracted workers who participated in harassment, from the College.

Where a third party has been asked to stop harassing an employee and does not, employees are authorized to:

- a) end telephone conversations,
- b) politely decline service, and/or
- c) ask the student, client or guest to leave the vicinity.

Any such action should be immediately reported to the Out-Of-Scope Manager.

Bad Faith Complaints

Complaints should be undertaken with the utmost of confidentiality and care because they may result in pain and damage to the respondent's reputation and/or the reputation of the institution and may cause disruptions in the workplace or in the classroom. Complaints made in bad faith and without factual basis may constitute defamation and may be actionable by the respondent. Such complaints may result in disciplinary action up to and including termination of employment.

Other Options and Contacts

Nothing in the policy prevents or discourages an employee from referring a harassment complaint to an Occupational Health Officer at the Occupational Health and Safety Division of the Ministry of Labour Relations and Workplace Safety under: *The Employment*

Act Part III Occupational Health and Safety. An employee may also file a complaint under *The Saskatchewan Human Rights Code* with an Intake Consultant at the Saskatchewan Human Rights Commission.

* * *

PROCEDURE B 2.02

Subject: **Sexual Assault and Sexual Violence**

Approval/Amendment Date(s): April 28, 2020

Associated Procedure/Documents: Policy 2.02 Sexual Assault and Sexual Violence; Policy 2.01 Employee Code of Conduct, Policy 2.03 Anti-Harassment, Policy 4.02 Student Performance and Discipline

Next Review Date:

B.2.02.01 Reporting and Responding to Sexual Violence:

- a) Members of the North West College community should immediately report sexual violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur which is within the scope of this policy. Members who have experienced sexual violence within the scope of this policy are encouraged to come forward to report as soon as they are able to do so.
- b) Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual violence from occurring.
- c) Where Management of North West College become aware of incidents of sexual violence by a member of the College community or against a member of the College community, which occur on College property and that pose a risk to the safety of members of the College Community, Management shall take all reasonable steps to ensure the safety of the College community. As the Executive Management Committee member responsible for Human Resources, the Director of Finance and Administration, or appropriate designate where the Director is involved in the incident, shall ensure due process of complaints and investigations.

B.2.02.02 Response Decision Tree:

- a) When a complaint of sexual violence is made to the College, the College will exercise care to protect and respect the rights of both the survivor and the respondent.
- b) The College recognizes that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with by the College. In most circumstances, the person will retain this control.
- c) The College may be required to initiate an investigation and/or inform the RCMP of the need for a criminal investigation, even without the person's consent if:
 - i) the allegation involves a minor;
 - ii) federal or provincial legislation requires an investigation; or
 - iii) there is a reasonable risk to the safety of a member of the College community.Should the College need to take action without the person's consent based on the above reasons, the person will be notified.
- d) Where the persons involved are not members of the College community or in circumstances where the College is unable to initiate an internal investigation, a report of sexual violence may also be referred to the RCMP.
- e) Where the respondent is a student, the results of the investigation may be addressed under Administrative Policy 4.02 Student Performance and Discipline.
- f) Where the respondent is an employee, the results of the investigation may be addressed under Administrative Policy 6.16 Employee Code of Conduct and/or Article 18 of the Collective Bargaining Agreement, as appropriate.
- g) Where the respondent is a board member, the results of the investigation will be addressed by as a recommendation to the Ministry of Advanced Education as appropriate.
- h) Where the respondent is within the scope not mentioned specifically in e, f, and g, the College may still carry out an investigation. Where a complaint against the respondent is substantiated, the College will take action it deems appropriate.
- i) Where criminal and/or civil proceedings are commenced in respect of the allegations of sexual misconduct, unless required by law, those proceedings shall not prevent the College from carrying out its own investigations into such allegations and making its own determination in accordance with its policies and procedures as it determines appropriate.

B.2.02.03 Complaints and Investigations:

- a) A complaint of sexual assault or any other kind of sexual violence which occurred within the scope of this policy, can be filed under this policy by any member of the College community.
- b) When a complaint is disclosed to the Director of Finance and Administration;
 - i) the Director, or their designate, may meet with whomever they deem necessary to determine whether there is a threat to the safety of any member of the College, and will take action deemed appropriate in accordance with College policies and procedures.
 - ii) in doing so, the Director, or their designate, will maintain the confidentiality of individuals involved to the extent that it is reasonably possible.
 - iii) the Director may contact the RCMP if the criteria listed in 2.c). has been satisfied.
- c) The College is committed to using investigative processes which are conducted with sensitivity and expertise in responding to sexual misconduct and which are appropriate to the issue being investigated. Depending on the nature of the complaint, the Director may decide to:
 - i) initiate an investigation themselves;
 - ii) delegate the investigation to Human Resources personnel; or
 - iii) engage an external investigator.
- d) The College will seek to achieve procedural fairness in dealing with all complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this policy. All reasonable efforts will be made to ensure respondents are given reasonable notice, with full details of the allegations, and respondents will be provided with an opportunity to answer to the allegations made against them.

B.2.02.04 Right to Withdraw a Complaint:

A survivor has the right to withdraw a complaint at any stage of the process; however, the College may continue to act on the issue identified in the complaint in order to ensure the safety and well-being of the community.

B.2.02.05 Protection from Reprisal, Retaliation or Threats:

It is contrary to this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a survivor or other individual for:

- a) having pursued rights under this policy or *The Saskatchewan Human Rights Code*;

- b) having participated or cooperate in an investigation under this policy or *The Saskatchewan Human Rights Code*; or
- c) having been associated with someone who has pursued rights under this policy or *The Saskatchewan Human Rights Code*.

Anyone engaged in such conduct shall be subject to sanctions and/or discipline.

B.2.02.06 Unsubstantiated or Vexatious Complaints:

- a) If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that investigation will be closed.
- b) Disclosure or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the respondent, or the reputation of the College, may result in sanctions and/or discipline against the person(s) launching the complaint.

B.2.02.07 Confidentiality:

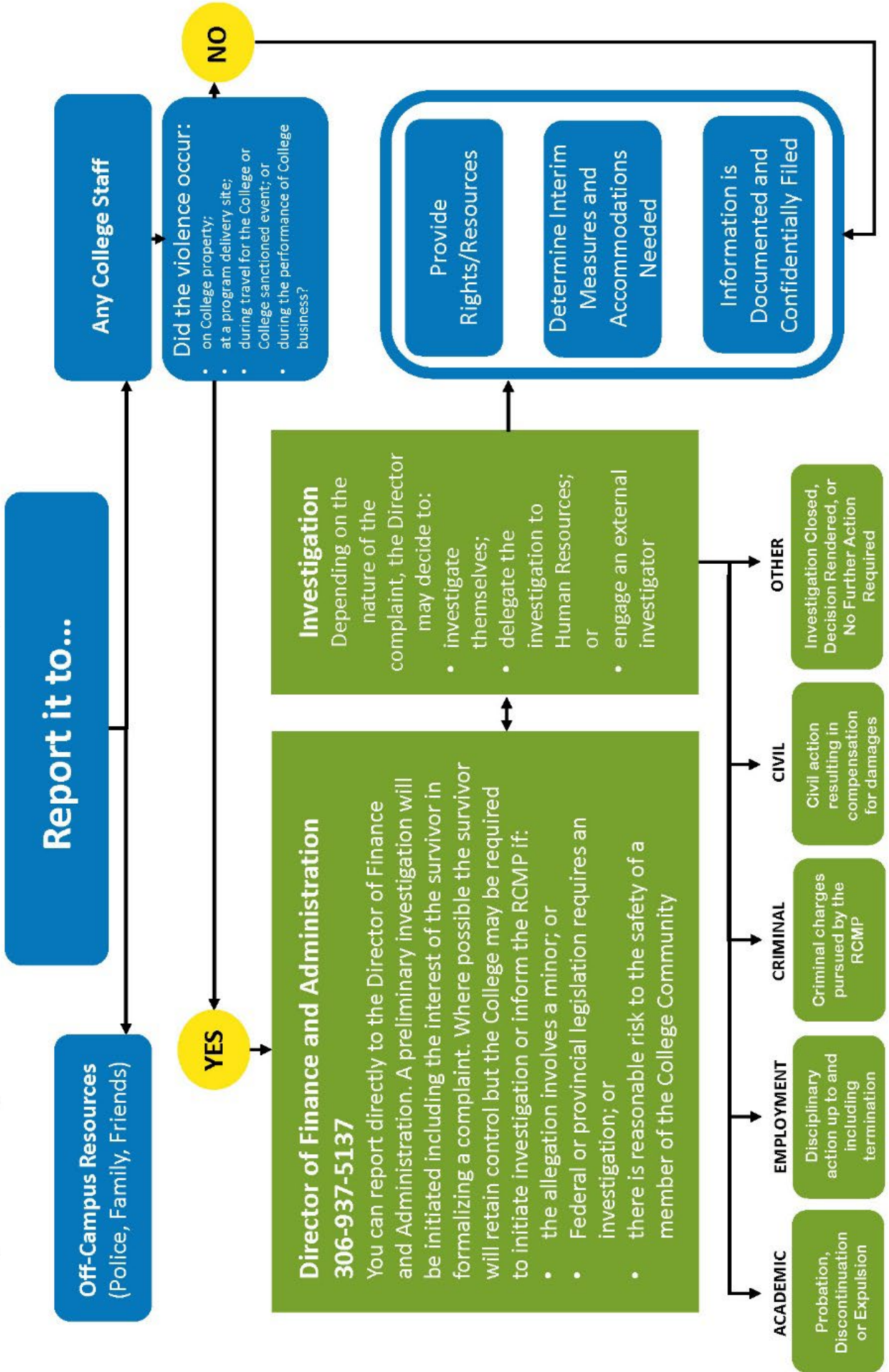
- a) Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the survivor, respondent, and witnesses. However, confidentiality cannot be assured in the following circumstances:
 - i) an individual is at imminent risk of self-harm.
 - ii) there are reasonable grounds to believe that an individual or individuals in the College community or the wider community may be at risk of harm.In the above circumstances, the name of the respondent would only be shared with necessary services to prevent harm. The name of the survivor would not be released to the public.
- b) Where the College becomes aware of an allegation of sexual violence by a member of the College community, the College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis.
- c) Confidentiality and privacy records will be maintained in accordance with the requirements of the Local Authority Freedom of Information and Protection of Privacy Act.

B.2.02.08 Attachment(s):

- a) Report it to...
- b) Sexual Assault and Sexual Violence Definitions



Have you or do you know someone who has experienced sexual assault or violence?



Attachment B.2.02.08(b)

Sexual Assault and Sexual Violence Definitions

Sexual assault: A criminal offence under the *Criminal Code* of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

Sexual violence: A broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse and sexual assault.

Consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following:

- a) Silence or non---communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- b) A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- c) A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- d) A person who is drugged is unable to consent.
- e) A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- f) A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- g) The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- h) A person can withdraw consent at any time during the course of a sexual encounter.
- i) A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student, an supervisor in a relationship with anyone who reports to that position.
- j) Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to determine if the person they are engaging with sexually is a minor.

Note: For information purposes only, the *Criminal Code* defines "consent" as follows. Please note that the complainant in this context is the person bringing the complaint before the court (ie. survivor/victim).

Consent: The voluntary agreement to engage in the sexual activity in question. No consent is obtained, where

- a) the agreement is expressed by the words or conduct of a person other than the complainant;
- b) the complainant is incapable of consenting to the activity;
- c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
- d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Other Relevant Terms

Acquaintance sexual assault: Sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

Age of consent for sexual activity: The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve and 13 year-olds can consent to have sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than 5 years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Coercion: In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

Drug-facilitated sexual assault: The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

Stalking: A form of criminal harassment prohibited by the *Criminal Code* of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear in the victim or threaten the victim/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include, but are not limited to non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media/cyber-stalking; and uttering threats.

Survivor: Some who have experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim". We use the term survivor throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

* * *