

EAST COLLEGE

17.0 SEXUAL HARASSMENT POLICY

Purpose

The objective of this policy is for East College to become an organizational leader by providing students, staff and instructors with the knowledge they need to ensure a safe workplace for all; reducing turnover and absenteeism; preventing harassment from occurring; providing a system for receiving and resolving complaints within the jurisdiction and control of the college; providing timely, consistent and just responses to complaints of Sexual Harassment at the college.

Scope

This policy applies to all East College instructors, staff and students.

Definitions

Complainant - An individual who has been subjected to any form of sexual harassment and who has submitted a report of their complaint.

Consent - An active, direct, voluntary, unimpaired, on-going and conscious decision and agreement, expressed by word or conduct, between and among individuals to engage in any form of sexual activity. An individual can only consent for themselves. Consent cannot be influenced by abusing a position of power, trust or authority. Consenting to one kind of sexual act does not mean there is consent given for another sexual act. Silence is not consent. Consent can be withdrawn at any time from the individual.

Sexual Assault - Any type of sexual activity or contact that an individual does not consent to.

Sexual Harassment – Objectionable, coercive or vexatious comment or attention of a sexual nature to a person or persons, that is known or thought reasonably to be known to be unwelcome. Actions or communications with a sexual connotation or component, which are directed at no person in particular, but which create an intimidating demeaning, or offensive work environment. Sexual harassment falls in to five categories; verbal, visual, gestures and other non-verbal behaviour, physical and psychological. Examples include but are not limited to:

- Unwanted letters, telephone calls, or materials of a sexual nature.
- Spreading rumors about an individual's personal sex life.
- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body.

Policy Stewards: Sexual Harassment Committee & Human Resources Department	Approved: Olivia Thomas, President	Date Approved: 04/24/2019	Next Revision Date: April 2020
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EAST COLLEGE

- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit someone to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an individual to unwelcome sexual attention or conduct or intentionally making performance of their job more difficult because of their sex.
- Sexual or discriminatory displays or publications anywhere in or around the workplace by an individual.

Respondent - An individual responding to an allegation of Sexual Harassment who the complainant is alleging committed an act of Sexual Harassment.

Unwelcome Behavior - Any behavior by anyone that is deemed offensive or unwelcome by an individual. This behavior can include inappropriate remarks or jokes, discriminatory behavior, or unwanted romantic or sexual advances and gestures. It can be detrimental to the physical, emotional and psychological health of individuals.

Vexatious – Distressing, bothersome or disturbing behaviour.

Policy

17.0 East College complies in all respects with all applicable sexual harassment legislation, including the Human Rights Act and other applicable legislation that may be enacted.

17.1 Code of Conduct: All faculty, staff, and students are expected to conduct themselves in a respectful and professional manner on and off site of East College. This includes any social events.

17.2 Prohibited: Sexual harassment is prohibited at East College. This includes all classrooms, project rooms, break rooms, common rooms, social events, off-site meetings, and any area or event associated with East College.

17.3 Complaints: Any complaints regarding sexual harassment must be reported to the Human Resource Manager. The college has an internal administrative system to handle complaints in a timely and confidential manner. Complainants will not be victimized or subject to sanctions for making a complaint in good faith or giving evidence in proceedings.

17.4 False Complaints: If a review or investigation determines that a complaint is false, punitive disciplinary measures may be taken against the Complainant.

Policy Stewards: Sexual Harassment Committee & Human Resources Department	Approved: Olivia Thomas, President	Date Approved: 04/24/2019	Next Revision Date: April 2020
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EAST COLLEGE

17.5 Investigations: All complaints that have been brought forward will be investigated in a prompt, thorough, and impartial manner. The Human Resource Manager will take effective measures to ensure that no further apparent or alleged harassment occurs pending completion of an investigation. In the course of investigating a complaint, the college will make no assumptions about the guilt or innocence of the alleged respondent.

17.6 Punitive Measures: Failure to abide by this policy as well as bringing forth false complaints can subject an employee, staff and/or student to an internal investigation, and depending on the severity, the respondent may face disciplinary action up to and including termination or expulsion.

Development

This policy was developed collaboratively between the Human Resources department, Sexual Harassment Coordinator, East College President, and the college's legal consultants.

Policy Acknowledgement

All policies are centrally located in our office break rooms within the Policy binder, on the East College intranet, and at www.EastCollege.ca/policy.

I _____ (Print Name), understand and acknowledge that I will adhere to Sexual Harassment Policy and its joint procedures while employed by *East College*.

(Signature)

(Date)

**East College reserves the right to change this policy.*

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REMEDY

While the comments made by the student about her teacher were inappropriate, we do not believe that she purposely set out to make her teacher feel uncomfortable. We believe there was a misunderstanding on the purpose of the journal assignment. However, the comments made were still unacceptable and do require some action to be taken.

We believe that the student should be banned from attending any other of this Instructors courses. Both the teacher and the student will be provided counselling to discuss the matter. The student must also issue a written apology to the teacher. It should also be explained again to the student that this is a school assignment that is being checked every day by her teachers and is therefore not a personal journal. Going forward in the coming years, the teacher will be required to clearly explain assignment requirements on written handouts to be given to students when the journal is assigned. If students do not follow the rules after they are clarified, they will be banned from taking the course.

RATIONALE

The teacher has not been disciplined in this circumstance because it would be reasonable for her to assume that a student would not include this type of information in a journal meant to record their progress and enlightenment in the class. Additionally, it is reasonable to assume that the teacher is dressing in a professional manner and we feel that her clothing and lip gloss did not justify the inappropriate remarks. We are recommending that a written explanation of the assignment and the expected behaviour is provided to students as a preventative measure. Should this behaviour take place, students will be aware of the consequences.

Although there was no policy in place for this situation, we have chosen to impose a form of corrective discipline on the student. Although there may have been a misunderstanding on the expectations for the assignment, we feel that the comments made were unacceptable. We feel that this opinion would be the norm for those in the college community. We have chosen to ban the student from this Instructors courses while allowing her to take up the course with a different instructor. This decision was made because we feel that this is not a chronic issue within the class but more of a conflict between two people. To ensure this behaviour does not continue to put each party at ease, we believe counselling will assist both the teacher and the student. Lastly, a written apology should be given to the teacher since the comments made were clearly inappropriate and made her feel very uncomfortable.