

<b><u>Board Policy Title:</u></b>	<b><u>Board Category:</u></b>	<b><u>Policy#:</u></b>
<b>Respectful Workplace and Learning Environment Policy (Discrimination &amp; Harassment Policy)</b>	<b>Governance</b>	<b>GC-4</b>

## 1.0 INTRODUCTION

Nova Scotia Community College (the “College”) is a post-secondary institution dedicated to teaching and learning. All those who study, work, or teach at the College must be concerned with maintaining the freedoms essential to achieving these purposes.

It is the responsibility of the College to inform and educate members of the College community about discrimination, harassment, bullying and any behaviours that have a negative effect on the working and learning environment. It is also the College’s responsibility to ensure that our values and policies are reflected in curriculum, teaching and promotional materials.

Each person in the College community has a responsibility to foster a climate of understanding and mutual respect for the dignity and rights of each individual in all areas of our working and learning environment. This includes providing fair treatment, being inclusive and not discriminating based on any of the protected grounds or protected characteristics set out in the Nova Scotia *Human Rights Act*, RSNS 1989,c 214.

It is also the personal responsibility of every member of the College community to be familiar with the Respectful Workplace and Learning Environment Policy (“Policy”), all other policies and procedures on discrimination, harassment and bullying and to comply with the provisions of this Policy. This includes adhering to confidentiality obligations and to participating in any Procedures taken under this Policy.

## 2.0 OBJECTIVES

The College shall endeavour at all times to provide an environment that is supportive of working and learning and of the equitable treatment of all members of its community. To this end, the objectives of this Policy are:

- To recognize the dignity and worth of every person and every member of the College community and their right to be free from harassment, sexual harassment, and discrimination and bullying;

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- To enable early communication, education and awareness of expected behaviors (as well as unacceptable behaviors) within our working and learning environment.
- To prevent harassment, including but not limited to sexual harassment, and discrimination on the grounds protected under the Nova Scotia *Human Rights Act*, RSNS 1989, c 214;
- To align with the principles set out in our values and reflected in our policies,
- To provide collaborative, efficient, clear and timely mechanisms and approaches for dealing with complaints and issues that arise out of this Policy.

Discrimination or harassment, including sexual harassment and bullying are prohibited by the College. Any violation of this Policy is considered a serious offence and may be subject to a range of disciplinary measures up to and including dismissal or expulsion.

### 3.0 APPLICATION

This Policy applies to the College community, which includes, but is not limited to, students (full-time, part-time, online and apprenticeship, etc.), all employees regardless of status, invited guests, those who are in a contractual relationship with the College, College committees, boards, councils, associations, union partners and volunteers.

This Policy applies to behaviour that is connected to the work and services of the College and includes behaviour taking place in any physical or electronic sites where the College conducts business as well as behaviour taking place off College sites if such behaviour has the potential to adversely impact the working or learning environment of the College.

Nothing in this Policy precludes any member of the College community from exercising their rights under a collective agreement or under the Nova Scotia *Human Rights Act*.

Where it appears that the complaint is outside of this policy application, or is one that could or should be more appropriately dealt with under another policy, Act or procedure, the College reserves the right to determine the approach to deal with the complaint or refer the complainant to the appropriate forum.

Employees/Students will be required to adhere to the process as set out in the Respectful Workplace and Learning Environment Procedures.

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#### 4.0 DEFINITIONS

##### ***Complainant***

Complainant refers to a person who advises the College that he/she has been subjected to harassment or discrimination, or has observed it, or a third party who initiates a complaint on another person's behalf, with that person's consent. Depending on the nature of the complaint, the College may notify external agencies. The College may also launch an investigation where there is no complainant but where the College deems circumstances warrant such action.

##### ***Discrimination***

Discrimination means making a distinction, whether intentional or not, based on a characteristic or perceived characteristic protected under the *Human Rights Act*. Discrimination includes actions, behaviour or attitudes, which could or ought reasonably to be known to offend or deny fair treatment. Under the *Human Rights Act* discrimination is prohibited in the areas of services, facilities, accommodation, employment or volunteer positions, purchase or sale of property, membership on committees and in associations and in any advertising, publication or broadcast. The protected grounds in the *Human Rights Act* are: age; race; colour; religion; creed; sex, including sexual harassment; sexual orientation; physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin; family status; marital status; source of income; political belief, affiliation or activity. Differential treatment against person or persons because of their inclusion in any of the above categories, which results in the imposition of a restriction against or the exhibition of negative behaviour toward that person or persons constitutes an act of discrimination as defined in this Policy.

##### ***Harassment***

Harassment means unwelcome comments or conduct consisting of words or actions that disparage or cause humiliation, offense or embarrassment to an individual or class of individuals, including but not limited to, comments or conduct based upon any of the grounds protected against discriminatory action under the *Human Rights Act*. Harassment includes both personal harassment and bullying. In this context, harassment is a form of discrimination.

##### **Bullying**

Bullying is also referred to as psychological/personal harassment. Workplace Bullying often refers to offensive, abusive, intimidating or insulting behaviour which makes the recipient feel upset, threatened, humiliated and/or vulnerable, which undermines the recipient's self-confidence and/or reduces the recipient's feelings of self-esteem and self-worth. Bullying refers to any behaviour that is known, or ought reasonably to be known, to be unwelcome and that:

- a) adversely affects an employee's dignity, or psychological or physical integrity, and/or
- b) takes the form of repeated conduct which could reasonably be regarded as intending to intimidate, offend, degrade or humiliate, and/or

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- c) results in a harmful working environment.

**Personal Harassment**

“Personal Harassment” is abusive, unfair, or demeaning treatment of a person or group of persons that is known or ought reasonably to be known to be unwelcome and unwanted when:

- a) such treatment abuses the power one person holds over another by virtue of their working or learning relationship or misuses authority associated with their position and/or:
- b) such treatment has the effect of seriously threatening or intimidating a person, and such treatment has the effect of unreasonably interfering with a person’s or a group of persons’ employment or performance, or learning, or academic success and/or;
- c) such treatment has the effect of creating an intimidating, hostile or offensive working or learning environment.

Personal harassment may consist of repeated or persistent patterns of behaviour, direct or indirect, that when taken together constitute personal harassment; or a single act of sufficient severity to constitute personal harassment in its own right. Such conduct may occur within or outside of the working or learning environment.

Examples of personal harassment include, but are not limited to, name calling, insults, inappropriate jokes, threats, shouting, derogatory remarks (including messages that are threatening, derisive, or defamatory), spreading malicious rumours, persistent criticism and exclusion.

Personal harassment does not include appropriate managerial direction, delegation, performance management, discipline, attendance management or classroom management.

***Poisoned Work/Learning Environment***

A poisoned work/learning environment is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive work and/or learning place. Examples of a poisoned work/learning environment include but are not limited to: graffiti, sexual, racial or religious insults or jokes, abusive treatment of an employee or student and the display of pornographic or other offensive material.

***Respondent***

Respondent refers to a person against whom a complaint of harassment or discrimination has

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been made.

***Sexual Harassment***

Sexual harassment means a course of unwelcome comment or persistent or abusive sexual solicitation or advances directed at an individual by another individual or group of the same or opposite sex who knows, or ought reasonably to know, that this attention is unwelcome; any solicitation or advance which is known, or ought reasonably to be known to be unwelcome, made by an individual who is in the position to confer or deny a benefit; and /or any reprisal or threat of reprisal for refusing to comply with an implied or expressed sexual solicitation or advance.

***Systemic Discrimination***

Refers to practices or procedures which appear neutral on their face, but which create barriers for members of groups that are protected under the *Human Rights Act*.

***Witness***

Witness refers to a person who has first person observations regarding the alleged accusation. Witnesses are expected to provide information and cooperate in an investigation. Witnesses are to keep their knowledge of a complaint, and involvement in any resolution or investigation process confidential.

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