


Human Rights and Anti-Discrimination Policy CS-020

Version	Version Date (MM/DD/YYYY)	Review Date (MM/DD/YYYY)	Description of Changes
01	11/22/2022	11/22/2027	Changed from a Procedure to a Policy to align with the Employee and Student Codes of Conduct

Executive Director, Campus Safety Services	Roman Calvano	
Policy Holder	Print Name	03/31/2021

College Council	
Advising Body	Date Consulted (03/22/2023)

VP, Finance and Corporate Services	David Johnson	
Approver	Print Name	Date 04/18/2023

Purpose

Georgian College recognizes that equitable and inclusive environments must be, at a minimum, free from harassment and discrimination. Transparent policies for the timely and fair resolution of complaints are one essential piece of the required infrastructure to ensure safety in our places of work and learning. All members of the college community have the right to learn and work in a safe and respectful environment and we are strongly committed to fostering a working and learning environment that is free from any form of harassment or discrimination.

Georgian College seeks to acknowledge and honour the dignity and worth of every person and will provide for equal rights and opportunities without discrimination on any of the protected grounds outlined by the Ontario Human Rights Code and the Ontario Human Rights Commission. The college believes that equity, diversity and inclusion in our learning and working environments are essential for the growth and success of individuals throughout the college and we are committed to providing the supports and remedies necessary.

Scope

This policy applies to all college community members, including both students and employees, volunteers, campus visitors and guests, Board members and contractors, and covers all college interactions, business dealings, research and events on or off college premises.

Definitions

Work/Term	Definition
<p>Discrimination</p>	<p>The Ontario Human Rights Code does not provide a definition for the term discrimination. However, the intent and meaning of the Code along with interpretations of the term contained in judicial decisions suggest that discrimination is differential treatment based on a protected ground, which has an adverse impact on an individual or group.</p> <p>The Ontario Human Rights Commission indicates that discrimination usually includes the following elements:</p> <ul style="list-style-type: none"> • not individually assessing the unique merits, capacities and circumstances of a person • instead, making stereotypical assumptions based on a person’s presumed traits • having the impact of excluding persons, denying benefits or imposing burdens. <p>Discrimination may be intentional or unintentional. It may involve direct words or actions that are discriminatory, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.</p>
<p>Systemic Discrimination</p>	<p>Systemic Discrimination can be described as patterns of behaviour, policies or practices that are part of the structures of an organization or institution, which create or perpetuate disadvantages for people with a common set of characteristics such as race, gender, disabilities, etc.</p> <p>The Ontario Human Rights Commission provides the following example of systemic discrimination:</p> <p>A small company is proud of its intensive team-building approach. Every other week, all staff are expected to attend gender-specific sporting activities such as wrestling and football with their “husbands and wives.” Many of these events take place on evenings and weekends in places that are not fully accessible. People who do not attend these events are less successful at building the internal networks that lead to promotions. Employees who are</p>

	female, single, gay or lesbian may not feel welcome at these events. People who have care-giving responsibilities after work or who use mobility aids, such as wheelchairs, would likely not be able to attend these events.
Harassment	<p>The Ontario Human Rights Code defines harassment as “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome”. Any person can harass any other person. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on any of the protected grounds.</p> <ul style="list-style-type: none"> • "a course" - in most cases, there must be more than one incident for behaviour to be defined as harassment. However, courts in Canada have found that a single unwelcome incident, if serious enough, can be sufficient to support a harassment complaint. • "vexatious"- unwelcome and has little or no useful, legitimate purpose in the context in which it takes place. • "comment or conduct" - the use of the two terms - comment or conduct - includes actions and words. The actions or words may or may not be aimed at the person complaining of harassment; they may not be aimed at anyone at all. • "known or ought reasonably to be known" - this phrase encompasses both a subjective and objective element. Even if a person is not aware that their behaviour is unwelcome (subjective), if a reasonable person in the same situation would have known that the behaviour was unwelcome, then that person "ought reasonably to have known" that their behaviour was unwelcome.
Protected Ground	Protected grounds are also referred to as Prohibited grounds. They include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, receipt of public assistance, marital status, family status or disability. Because our understanding of harassment and discrimination is constantly evolving, as is the terminology we use to describe it, the Code also includes such additional grounds as may be designated as protected grounds in the Ontario Human Rights Code.
Complaint	A complaint is made when one decides to formally come forward with a complaint as per the terms of the relevant Code of Conduct (Employee or Student) and/or under the Human Rights Policy or Sexual Violence Procedure. A complaint can be made to one’s Manager, Dean or Associate Dean, Human Resources, or the Conflict Resolution and Investigations office. Initiating a complaint is a request for intervention and follow up from the college via the appropriate procedure. A complaint intervention may include facilitated/mediated informal resolution or, where appropriate, a formal investigation to be conducted by, or on behalf of, the college. When a

	complaint is made to a person with a <u>supervisory role</u> , they are <i>required</i> to consult with their Manager, Dean or Associate Dean, Human Resources or the Conflict Resolution and Investigations office.
Disclosure	A disclosure is when one member of the college tells another member of the college about an instance of Discrimination, Harassment, or Sexual Violence. A disclosure does not initiate an Investigation unless a formal complaint is made, or the college determines it is necessary to investigate on the basis that there is risk of harm to self or others, as set out in the relevant procedures. When a disclosure is received by a member of the college they are required to inform one of the following: a Manager, Human Resources, Counselling, or the Conflict Resolution and Investigations Office so that important information, supports and resources can be provided to the individual making the disclosure and so the college has the opportunity to address any risks to the safety of an individual or the college community.

Responsibility

Members of the college community, are responsible to foster a climate of inclusion and mutual respect to protect the dignity and rights of each individual by providing equitable treatment to all individuals as stated in the Ontario Human Rights Code. They are also responsible for preventing, discouraging and reporting harassment and discrimination by others.

In the case of a disclosure, all members of the college community are responsible for privately referring a disclosure to one of the following: a Manager/Dean or Associate Dean, Human Resources (if an employee), Counselling Services (if a student), or the Conflict Resolution and Investigations Office. While a disclosure should be treated as private and sensitive information, a member of the college community who receives a disclosure cannot keep such a matter confidential.

Privately referring a disclosure to one of the above noted areas of the college ensures that important information, supports and resources are provided to the individual making the disclosure and gives the college the opportunity to address any risks to the safety of an individual or the college community as a whole.

Vice Presidents, Deans, Directors and Managers shall ensure that they and their staff are familiar with and comply with this policy.

Breaches of college policies may result in disciplinary action up to and including termination or expulsion. While efforts will be taken wherever reasonable to resolve disputes informally and to engage in restorative processes where possible, breaches of college policies may result in a formal investigation and/or disciplinary action up to and including termination or expulsion.

Vice Presidents, Deans, Directors and Managers, Campus Safety Services and Human Resources are responsible for receiving and addressing complaints in accordance with the Employee Code of Conduct

or the Student Code of Conduct, as applicable. In the case of a disclosure, they are also responsible for providing the person making the disclosure with information regarding their options under the relevant college procedures as well as supports and resources available to them such as the Employee Family Assistance Program (for employees) or Counselling Services (for students).

Human Resources is responsible for reviewing this policy and recommending amendments as necessary.

Policy

Georgian College is committed to fostering a diverse and inclusive working and learning environment where all members of the college community have the right to learn and work in a safe and respectful environment. To protect the learning and working environment and the rights of individuals, the college will enforce the right of its college community members to equitable treatment without discrimination and harassment as provided for by the Ontario Human Rights Code. Violations of human rights will not be tolerated at Georgian College. The college also prohibits discrimination and harassment based on an individual's association or relationship with a person identified by a protected ground and/or a perception that a protected ground applies. The college may sanction any member of the college community whose behaviour has been found to violate the Ontario Human Rights Code.

Every college community member has the right to express legitimate concerns about human rights violations they are experiencing in their work or education at Georgian College, without fear of reprisal. Anyone who attempts reprisal or threatens reprisal against a person who initiates a complaint and/or participates in an investigation under the Employee or Student Codes of Conduct may be subject to disciplinary action.

It is recognized that there may be some circumstances where an employee experiences stress or discomfort in the workplace, which is not related to harassment or inappropriate behaviours. It is also recognized that allegations could be made which are later found not to be harassment or discrimination. Under the Ontario Human Rights Code, the college must take reasonable steps to ensure an environment free from harassment and discrimination, including informing and educating members of the College community about discrimination and harassment.

It is the responsibility of the Conflict Resolution and Investigations Office to provide ongoing education and training to prevent discrimination and harassment throughout the College.

Procedures

Filing a complaint:

Members of the College community are encouraged, whenever possible and safe, to resolve issues directly with the person who is the subject of their concern. Students experiencing harassment or discrimination should contact their Dean/Associate Dean or the Conflict Resolution and Investigations office. Employees experiencing harassment or discrimination should contact their manager, Human Resources or the Conflict Resolution and Investigations office.

If local resolution is not possible or unsuccessful, the complainant should follow the resolution process described in the [Employee Code of Conduct](#) or the [Student Code of Conduct](#) as applicable. These processes include a formal investigation process, if deemed appropriate.

In addition, following the college's Employee Code of Conduct or the Student Code of Conduct does not preclude anyone from exercising other legal avenues including:

- The Ontario Human Rights Tribunal: All persons may approach the Human Rights Tribunal, subject to provisions set out in the Code, at any time.
- The Criminal Code of Canada: An individual can report the incident to the police and take action under the Criminal Code of Canada. Examples include cases of physical assault, sexual assault, sexual exploitation or the threatened use of force or intimidation.
- Grievance Procedures: For employees covered by a collective agreement, they can exercise their rights under the applicable grievance procedure.

Systemic Discrimination:

If members of the college community feel that existing practices, policies and/or programs are not aligned with the college's commitment with diversity, inclusion and equity, these concerns can be brought forward to the Associate Dean/Dean or Managers in the area of concern. Each Policy and/or Procedure has a Policy Holder that should be the first point of contact to bring forward such concerns. If the issues are not resolved, concerns can be brought forward to the Conflict Resolution and Investigations Office for further review. In reviewing concerns, the Associate Deans/Deans, Managers, or Manager of Conflict Resolution and Investigation are encouraged to consult with the Equity, Diversity, Inclusion and Belonging Centre for advice, assistance and to generate ideas for positive change.

In the case of systemic discrimination where the college's structure, policies, processes or practices are the source of the complaint, an alternate reporting process will be established where the investigator, while following the investigative procedure set out in the above relevant Codes of Conduct, will report directly to the President or the Board of Governors where appropriate.

Contact information:

Conflict Resolution and Investigations
Barrie Campus, B125
conflictresolution@GeorgianCollege.ca

For urgent matters or immediate assistance:
Campus Security – 705-722-5100

Human Resources (for employees)
Barrie Campus, C349
HRservices@GeorgianCollege.ca
705-722-1580

Related Materials

[Employee Code of Conduct](#)

[Student Code of Conduct](#)

[Workplace Violence and Harassment Statement](#)

[Sexual Violence Procedure](#)

[Sexual Violence Policy](#)