



## Harassment and Discrimination Reporting Operating Procedure

**Approval Date:** January 17, 2025

**Effective Date:** January 31, 2025

**Replaces:** Student Harassment Procedures; Workplace Harassment Procedures

**Corresponding Policy:** [Harassment and Discrimination Policy](#)

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### Purpose

All members of Cambrian College ("the College") have a right to participate, work, and study in a safe environment free from harassment and discrimination. This procedure sets out how the College addresses harassment, discrimination, racism, and hate. It ensures that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed acts of harassment, discrimination, racism, and/or hate accountable.

### Scope

This procedure applies to:

1. All members of the College, including all employees, governors, students, contractors, and suppliers of services, individuals who are directly connected to any college initiatives, volunteers, and visitors.
2. All college-related activities or processes that take place, virtually or otherwise.

### Definitions

**Anti-black racism:** refers to prejudice, attitudes, beliefs, stereotyping, and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement and its legacy. It is deeply entrenched in Canadian institutions, policies, and practices to the extent that anti-Black racism is either functionally normalized or rendered invisible to the larger White society.

Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status,

higher unemployment, significant poverty rates, and overrepresentation in the criminal justice system.

**Anti-Indigenous racism:** the race-based discrimination, negative stereotyping, and injustice experienced by Indigenous Peoples within Canada. It includes ideas and practices that establish, maintain, and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices in Canada. Systemic anti-Indigenous racism is evident in discriminatory federal policies such as the Indian Act and the residential school system. It is also manifest in the overrepresentation of Indigenous peoples in provincial criminal justice and child welfare systems, as well as inequitable outcomes in education, well-being, and health. Individual lived-experiences of anti-Indigenous racism can be seen in the rise in acts of hostility and violence directed at Indigenous people.

**Antisemitism:** latent or overt hostility, or hatred directed towards, or discrimination against, individual Jewish people or the Jewish people for reasons connected to their religion, ethnicity, and their cultural, historical, intellectual, and religious heritage.

**Complaint:** means an oral or written statement of dissatisfaction with a college service, employee or student's teaching and learning experience in provision of services of the College.

**Complainant:** the person(s) who brings forward a violation of this Policy. Note: The use of "complainant" is the accepted terminology as per the Ontario Human Rights Commission.

**Discrimination:** as defined by the Human Rights Commission, means any form of unequal treatment based on a Code ground, whether imposing extra burdens or denying benefits. Discrimination may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices, or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

Discrimination and/or harassment on the grounds articulated in the Ontario Human Rights Code include but are not limited to:

- Age
- Creed (religion)

- Sex (including pregnancy and breastfeeding)
- Sexual orientation
- Gender identity
- Gender expression
- Family status (such as being in a parent-child relationship)
- Marital status (including married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- Disability (including mental, physical, developmental, or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Colour
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)

**Harassment:** means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination. Examples of harassment include:

- Epithets, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground.
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means.
- Singling out a person for humiliating or demeaning "teasing" or jokes because they are a member of a Code-protected group.
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed.

**Islamophobia:** refers to racism, stereotypes, prejudice, fear, or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of

intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic, and societal level.

**Poisoned environment:** a form of discrimination created by the comments or actions of a person or group. The comments or conduct do not have to be directed at a particular individual, e.g. jokes or derogatory statements made about older persons in the workplace.

**Racism:** includes ideas or practices that establish, maintain, or perpetuate the racial superiority or dominance of one group over another.

**Systemic discrimination:** can be described as patterns of behaviour, policies, or practices that are part of the structures of an organization, and which create or perpetuate disadvantages for racialized persons.

## Operating Procedure

### 1. Reporting Harassment and Discrimination

- 1.1. A complaint must be filed within six months of the circumstances giving rise to the complaint, unless the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.
- 1.2. Two or more complaints alleging a violation engaged in by the same person, or having facts in common, may be dealt with in the same proceeding.
- 1.3. A complainant may, at their discretion, decide to withdraw a complaint at any point. However, it is understood that the College may pursue a complaint to comply with its legal obligations.
- 1.4. When allegations of sexual harassment are presented, there may be circumstances where the allegations in a complaint necessitate following the procedures under both this policy and the [Sexual Assault and Sexual Violence Policy](#).
- 1.5. The College will reference the [Ontario Human Rights Commission's \(OHRC\) Policy on Competing Rights](#) as a guiding document when reviewing incidents where individuals' rights appear to be in conflict, ensuring all decisions reflect recognized principles and best practices.
- 1.6. In addition to the resources described in this document, students may wish to consult

their student government for assistance in navigating this procedure.

- 1.7. These procedures do not preclude an individual from exercising other legal or contractual rights.

## **2. How to Report a Complaint**

- 2.1. An incident or a complaint of harassment or discrimination should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated on time.
- 2.2. When a person believes that a violation of the [Harassment and Discrimination Policy](#) has occurred, they can report an incident verbally or in writing.
- 2.3. When submitting a complaint, the complainant, with the reporting contact (i.e., the person to whom they are reporting the discrimination or harassment), will commit the following information to writing:
  - a. Name(s) of the complainant and contact information.
  - b. Name of the respondent(s), position (if applicable), and contact information (if known).
  - c. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known).
  - d. Details of what happened including date(s), frequency and location(s) of the alleged incident(s).
  - e. Any supporting documents the complainant may have in their possession that are relevant to the complaint.
  - f. A list of any documents a witness, another person, or the respondent may have in their possession that are relevant to the complaint.

## **3. Who to Report a Complaint to**

- 3.1. Students

- a. A complainant should report an incident or complaint to their faculty, program coordinator, chair, dean, or the Manager, Equity, Diversity and Inclusion (EDI).
- b. If the student's faculty is the person engaging in discrimination or harassment, the student should contact their program coordinator or the Manager, EDI.
- c. If the student's program coordinator is the person engaging in discrimination or harassment, the student should contact their Chair initially or seek support from the Manager, EDI.
- d. If the student's chair is the person engaging in discrimination or harassment, the student should contact their dean or the Manager, EDI.
- e. If the student's dean is the person engaging in discrimination or harassment, the student should contact the Vice President, Academic or the Manager, EDI.
- f. If the complainant is not a student but is reporting a complaint about a student, that person should report their complaint to the Manager, EDI.
- g. Anonymous complaints must be submitted to the Manager, EDI and will be reviewed accordingly. Suitable action be taken based on the information and evidence provided.

### 3.2. Employees

- a. Employees who believe that they have been the subject of, or may have witnessed, harassment or discrimination can consult with their supervisor to determine whether the incident may be defined as a policy violation and what steps may be taken to resolve the concern.
- b. If the employee's immediate supervisor is involved in the alleged harassment or discrimination—or if the employee is uncomfortable reporting to them—the matter may be reported to the next level of management (e.g. dean, director, or your supervisor's manager).
- c. If employees cannot report to either their immediate supervisor or their next-level manager, or if they feel their concerns are not being adequately addressed at those levels, they may contact the Manager, Employee Relations in the Human

Resources department.

- d. Anonymous complaints must be submitted to the Manager, Employee Relations, and will be reviewed accordingly, and suitable action will be taken based on the information and evidence provided.

#### **4. Institutional Assessment – Determination of Complaint Process**

- 4.1. The College will ensure that an investigation appropriate in the circumstances is conducted when a member of college management or the Manager, EDI, becomes aware of an incident of harassment or discrimination or receives a complaint of harassment or discrimination.
- 4.2. Upon receiving the complaint, the College will assess if the complaint is deemed to go through a formal or informal process for resolution and will review the complaint to assess whether the allegation(s) would, if proven true, constitute a violation of institutional policies/rules and determine next steps.
- 4.3. If, upon initial investigation, the complaint is not identified as harassment or discrimination, the complainant will be advised of the next step to find a resolution and clarification.

#### **5. Informal Resolution**

- 5.1. Where there is reason to believe that there is harassment or discrimination, but where the situation could be remedied by informal resolution, the Manager, EDI, the Manager, Employee Relations, or designate may meet with each party involved within 30 days and attempt to resolve the complaint. The Manager, EDI or Manager, Employee Relations or designate will provide impartial guidance to all parties in the dispute, including information about alternate routes for the complaint.
- 5.2. Where the parties to the complaint agree to an informal resolution, it shall be documented and the complaint considered resolved.
- 5.3. In the absence of an agreed-upon settlement reached informally, any party involved may request mediation. The College reserves the right to determine if mediation is appropriate.

- 5.4. Where mediation is engaged, the Manager, EDI or the Manager, Employee Relations may act as the mediator, though the College may alternatively choose to appoint another individual, external or otherwise.
- 5.5. It is further understood that all discussions throughout mediation are privileged, will remain confidential, and will not be used in the investigation process should it be initiated.
- 5.6. If the complaint is not resolved through informal resolution or mediation, the College will initiate the formal complaint process.

## **6. Formal Complaint**

- 6.1. If a complaint is not resolved through informal resolution or mediation, or if the complaint is one that the College has determined is not appropriate for informal resolution or mediation, the formal complaint process shall be initiated. The complainant will receive written notification within 30 days of receiving the complaint detailing the investigation process.
- 6.2. Upon receipt of the formal complaint, an internal investigation will be initiated by the College. However, the College reserves the right to appoint an external investigator of its choice.
- 6.3. The person conducting the investigation will, to a minimum, complete the following:
  - a. The investigator must thoroughly interview the complainant and the respondent(s), if the respondent is a member of the College. If the respondent is not a member of the College, the investigator should make reasonable efforts to interview the respondent.
  - b. The respondent(s) must be allowed to respond to the specific allegations raised by the complainant. In some circumstances, the complainant should be given a reasonable opportunity to reply.
  - c. The investigator must interview any relevant witnesses who may be identified by either the complainant, the respondent(s), or, as necessary, to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not members of the College if they are

identified.

- d. The investigator must collect and review any relevant documents.
- e. The investigator must take appropriate notes and statements during interviews with the complainant, the respondent, and any witnesses.
- f. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the complainant, the response from the respondent, the evidence of any witnesses, and any other evidence gathered. The report must set out the findings of fact and conclude whether harassment or discrimination was found to have occurred or not.

## **7. Handling complaints – Interim Measures**

- 7.1. When allegations are serious, the College may impose interim measures to ensure the safety and security of all parties during an ongoing investigation, such as having the respondent removed from College property until the investigation is completed, ban any form of communication between the respondent and complainant, or impose sanctions that would limit interactions or any form of contact with the complainant.
- 7.2. The investigator must ensure the investigation is kept confidential to the extent possible and identifying information is not disclosed unless it is necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- 7.3. Pending the conclusion of an investigation, the College has discretion to take such interim measures as it deems appropriate to reduce or eliminate contact between parties until an investigation is complete.

## **8. Decision and Outcome – If Harassment or Discrimination is found to have occurred**

- 8.1. Within 10 business days of the College receiving the investigator's final report, the complainant and respondent will be informed by the College in writing of the results of the investigation and any corrective action taken or that will be taken.
- 8.2. Where it is found that there has been harassment or discrimination, the College will

determine the appropriate corrective action through existing policies and procedures, including but not limited to the Code of Conduct Policy and Procedure for Student Misconduct.

8.3. Corrective action may include, but is not restricted to, the following:

- a. Mandatory training
- b. Warning (verbal and/or written)
- c. Suspension (with or without pay)
- d. Dismissal
- e. Expulsion
- f. Eviction
- g. Restriction of contracts
- h. Exclusion from College property (trespass notice)

8.4. The College will provide a summary report to the complainant and respondent no later than 12 months from when the complaint was received.

## **9. Student Appeal Process**

9.1. A student who's received the decision/corrective action under this policy retains the right to appeal that discipline.

9.2. A written appeal request must be submitted to the Office of the Vice President, Human Resources, Student Services, and International within 10 business days of being informed of the corrective action.

9.3. The Vice President, Human Resources, Student Services, and International will review the request and determine next steps.

9.4. If the appeal request is warranted, the Vice President, Human Resources, Student Services, and International will establish an appeal committee to review the appeal, which includes new details and evidence submitted by the complainant or respondent.

- a. Appeal committee to include:

- Vice-President, Human Resources, Student Services, and International (Chair, non-voting, except in case of tie)
- One representative from the student government
- One support staff
- One faculty member
- One administrator

9.5. The appeal will be overturned if they fail to attend a properly scheduled appeal hearing.

## **10. Appeal Hearing Guidelines**

10.1. Hearings shall be held within five business days after a request has been received.

10.2. Notice of the appeal hearing shall be given to all parties involved at least 48 hours before the hearing.

10.3. The committee will review all evidence, investigation notes, and may re-interview witnesses, the respondent, and complainant, to determine if the resolution and/or corrective actions were appropriate.

10.4. After the hearing, the Appeal Committee shall determine, by majority vote, whether the original corrective actions and/or sanctions should be upheld, modified, or overturned. In case of a tie, the Chair will cast the tie-breaking vote.

10.5. The decision of the Appeal Committee shall be rendered within ten business days and communicated to the student and, if appropriate, the necessary College departments in writing. This decision is final.

10.6. The Chair of the Committee shall be responsible for the preparation of a written record of the appeal hearing. The records will be the property of the College.

10.7. All information will be treated confidentially to the extent permitted by law and under the Freedom of Information and Protection of Privacy.

10.8. If a resolution or corrective action is found not to be satisfactory by the complainant or respondent, they can submit their complaint to the [Ontario Ombudsman](#).

Toll-free: 1 888 937-8007

TTY Telephone: 1 844 358-3442

## **11. Employee Appeal Process**

- 11.1. These policy provisions do not limit any individual's right to exercise their entitlements under the Occupational Health and Safety Act or the Ontario Human Rights Code within the applicable legal timeframes.
- 11.2. Anyone who believes their human rights have been violated in the workplace, or who is dissatisfied with the outcome of a complaint or its investigation, may file a complaint directly with the Ontario Human Rights Tribunal at any time.
- 11.3. If the complaint involves workplace violence or harassment and an employee believes the College is not meeting its obligations under the Occupational Health and Safety Act, they may contact the Ministry of Labour, Training and Skills to file a complaint.
- 11.4. Unionized employees also retain the right to file a grievance.

## **12. Confidentiality**

- 12.1. All incidents or complaints of harassment or discrimination, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect members of the College community, to investigate the complaint or incident, to take corrective action or otherwise as required by law.
- 12.2. While the investigation is on-going, the complainant, the respondent(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or with other members of the College community unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.
- 12.3. All records of the investigation will be kept confidential.

## **13. Record keeping**

- 13.1. The following administrator(s) will keep or ensure the preservation of records of the

investigation:

- a. the Manager of EDI and/or
- b. the Manager, Employee Relations
- c. the Manager, Public Safety and Residence Operations, and/or
- d. where a respondent is an employee, the Director, Human Resources.

13.2. The preserved records will include the following (if created):

- a. a copy of the complaint or details about the incident;
- b. a record of the investigation, including notes;
- c. a copy of the investigation report (if any);
- d. a summary of the results of the investigation that was provided to the complainant and the respondent;
- e. a copy of any corrective action taken to address the complaint or incident of harassment or discrimination.

## **Procedures and Forms**

- [File a Complaint or Report an Incident](#)

## **Related Policies**

- [Academic Appeal Policy](#)
- [Code of Conduct Policy](#)
- [Free Speech Policy](#)
- [Harassment and Discrimination Policy](#)
- [Sexual Assault and Sexual Violence Policy](#)
- [Student Rights and Responsibilities Policy](#)
- [Workplace Violence Prevention Policy](#)
- [Statement on Academic Freedom](#)