

## **1.0 Preamble**

Shingwauk Kinooamaage Gamig (SKG) is committed to fostering a learning, scholarly, and workplace environment that is free from harassment and discrimination.

SKG is committed to equity, diversity, and inclusion as part of its core values, and understands that the effective creation and dissemination of new knowledge must take place in an academic community that recognizes the dignity and value of all students, employees and other members of SKG's community.

Each member of SKG's community is responsible for helping to create an environment that promotes mutual respect and understanding for the dignity and rights of others.

## **2.0 Purpose**

This policy sets out SKG's policy concerning prevention of discrimination and harassment, and response to complaints about discrimination or harassment.

## **3.0 Scope**

### **3.1 Application of this policy**

This policy applies to every member of the SKG community, including students, employees, volunteers, contractors, and visitors in SKG's property or facilities.

- For the purposes of this policy, "students" include students registered in other institutions who are enrolled in a course or courses at SKG.

This policy applies to every aspect of the workplace environment and employment relationship, including recruitment, selection, promotion, transfers, training, salaries, benefits, and termination. It also covers rates of pay, overtime, hours of work, holidays, shift work, discipline, and performance evaluations.

This policy also applies to events that occur outside of the physical workplace such as employees' business trips or offsite social events sponsored by SKG.

The provisions of this policy in no way affect the right of any person to exercise their rights under the Ontario Human Rights Code, within the time limits specified by that legislation.

### **3.2 Sexual misconduct involving students**

For clarity, please note that the sections of this policy concerning sexual harassment apply in contexts where the complainant of sexual harassment is an employee of SKG.

SKG has two other policies addressing sexual harassment and misconduct:

- Conflict of Interest and Sexual Misconduct in Employee-Student Relationships

- This policy concerns conduct of employees towards students.
- Sexual Harassment and Violence Involving Students
  - This policy concerns sexual harassment and violence where both the complainant and alleged perpetrator are students.

This table explains the application of different SKG policies concerning sexual misconduct.

Complainant Respondent	Student	Employee, volunteer, or other member of SKG community
Student	ACAD 07 Sexual Harassment and Violence Involving Students	<b>HR 05 Prevention of Harassment and Discrimination</b>
Employee	HR 06 Conflict of Interest and Sexual Misconduct in Employee-Student Relations	<b>HR 05 Prevention of Harassment and Discrimination</b>

### 3.3 Workplace violence

This policy does not address workplace violence.

Workplace violence is addressed by SKG’s policy HR 04 Safe and Healthy Workplace.

### 4.0 Definitions

The terms “discrimination” and “harassment” are defined in the relevant sections of the policy below.

“Director of Human Resources” means the senior executive appointed by SKG’s board who is responsible for human resources policies and oversight of human resources operations (regardless of the title of that position).

“Employee” means a person who performs work for wages in any capacity for SKG.

“SKG” means Shingwauk Kinoomaage Gamig.

“Student” means, for the purposes of this policy, a student enrolled in course or program at SKG, and includes a student registered in another institution who is enrolled in a course or courses at SKG.

“Supervisor” means a person to whom the employee directly reports. For purposes of OHSA, a person who has charge of a Workplace or authority over a Worker.

“Workplace” means any site at which the employee works including any property or buildings owned, leased, or managed by SKG and any other place an employee is located while performing work for SKG or while representing SKG. This includes operating SKG equipment or a personal vehicle when the employee is on duty.

## **5.0 Policy concerning discrimination**

Every SKG student, employee, volunteer, contractor and visitor has a right to a working and learning environment free from discrimination. Discrimination is prohibited at SKG. SKG will not tolerate discrimination from any person, including employees, students, volunteers, customers, contractors, and members of the public.

For this policy, discrimination is defined as in the Human Rights Code of Ontario. Discrimination is an act, behaviour, or practice of treating a person unequally on the basis of a protected category listed as a “prohibited ground” for discrimination under the Human Rights Code (Ontario), which, as of the effective date of this policy, are: age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offences (in employment only), sex (including pregnancy and breastfeeding), and sexual orientation.

Every member of the SKG community has a right to equal treatment to and freedom from discrimination based on the prohibited grounds with respect to employment and the receipt of education and related services and facilities.

## **6.0 Policy concerning harassment**

Every SKG student, employee, volunteer, contractor, or visitor has a right to a working and learning environment free from workplace harassment. Harassment is prohibited at SKG. SKG will not tolerate harassment from any person, including employees, students, customers, contractors, and members of the public.

The requirements of the Occupational Health and Safety Act concerning workplace harassment are addressed by this policy.

For this policy, workplace harassment means:

- Engaging in a course of vexatious comment or conduct against an employee, in a workplace, that is known or ought reasonably to be known to be unwelcome; or
- Workplace sexual harassment.

Workplace sexual harassment means:

- Engaging in a course of vexatious comment or conduct against an employee in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
  - Sexual solicitation or advance is an implied or expressed promise of reward for complying with a sexually oriented request made by a person in a position to confer, grant or deny a benefit or advancement.

Reasonable action taken by the employer or supervisor relating to the management and direction of employees or the workplace is not workplace harassment.

## **7.0 Roles and responsibilities**

Students, employees, volunteers, contractors, and visitors have a responsibility to ensure that their conduct in the workplace creates a learning and working environment that is free from discrimination and harassment.

Employees are encouraged to report workplace discrimination and harassment if they experience it or witness it. Complaints or allegations of workplace discrimination or harassment should immediately be reported to a supervisor or a person of authority.

Supervisors are responsible for initiating a response to complaints or allegations of workplace discrimination or harassment in accordance with this policy. Supervisors shall immediately bring complaints or allegations to the Director of Human Resources.

The Director of Human Resources is responsible to ensure appropriate investigation of and response to all complaints or incidents of workplace discrimination and harassment.

## **8.0 Investigation and response**

The Director of Human Resources shall initiate an investigation and ensure a response to all complaints or incidents of workplace discrimination and harassment as appropriate, in a fair, respectful, and timely manner.

The Director of Human Resources shall establish and implement a procedure associated with this policy that includes expectations and requirements for the process of response to a complaint or incident of discrimination or harassment.

Information provided about a complaint or incident will not be disclosed except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

All persons involved in allegations of workplace harassment or discrimination are to be treated fairly and impartially and maintain the rights, privileges and protections afforded to them under legislation.

Complainants and respondents are entitled to seek representation of their choice, including legal counsel, during any stage of the complaint resolution process, at their own expense.

It is a breach of this policy for any person to take reprisal against any individual because they have participated in a process under this policy. A written allegation of reprisal will be treated as a complaint under this policy. Retaliation or threat of retaliation or reprisal may result in disciplinary action under this or other SKG policies.

## **9.0 Related Policies, Procedures & Documents**

Procedure for HR 05 Prevention of Harassment and Discrimination

HR 04 Safe and Healthy Workplace and its associated procedure

HR 06 Conflict of Interest and Sexual Misconduct in Employee-Student Relationships and its associated procedure

ACAD 07 Sexual Harassment and Violence Involving Students and its associated procedure

SKG's policies and procedures may be found [here](#).

### **10.0 Responsible Officer**

Director of Human Resources

### **11.0 Version history**

Approved by: Board

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SKG gratefully acknowledges that parts of this policy are patterned on those of Wilfrid Laurier University.