

SUBJECT

Respectful College Community Policy

BACKGROUND

The College will promote and support a college setting that is free of harassment, violence, racism, racial discrimination, hate, and discrimination (including a poisoned environment).

Northern College is a community of diverse races, creeds, cultures, and social affiliations. We are committed to promoting and supporting a Northern College workplace and educational setting ("College setting") where everyone can work and study together in an atmosphere free of harassment, violence, racism, and racial discrimination and discrimination, in a climate of mutual respect and dignity, where individual human rights are upheld. We value each member of our community for their individual and unique talents and applaud all efforts to enhance the quality of our lives. We recognize that each individual's effort is vital to achieving the goals of Northern College.

Racism and racial discrimination continue to exist and affect the lives of not only racialized persons but also all persons in Canada. The reality of racism and racial discrimination must be acknowledged to take effective measures to combat them. Policies, practices, decision-making processes and organizational culture can create or perpetuate a position of relative disadvantage for racialized persons.

Northern College acknowledges that no aspect of this Policy shall interfere with an individual's rights to pursue complaints under other available processes (e.g. under the *Ontario Human Rights Code* (hereinafter referred to as *the Code*), Ontario Ombudsman, or *Ontario Occupational Health and Safety Act*, or a *Collective Agreement*). If another process is initiated at any time, the College has the right to consider suspending or terminating procedures related to this policy.

Northern College will take all reasonable steps to ensure awareness of this policy and will be proactive in creating an inclusive post-secondary environment free from harassment, hate, violence, racism, racial discrimination, and discrimination by providing education and training in relation to its provisions.

POLICY

Northern College will maintain zero tolerance for harassment, hate, violence, racism, racial discrimination, discrimination, or reprisals, including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism, and Islamophobia.

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SCOPE

This Policy applies to all College Community Members in all College settings, including employees, contractors, visitors, volunteers, and students ("College Community Members") in accordance with existing legislation as it applies to individual community members.

This Policy applies to conduct both on and off College property or work/educational sites, and to conduct during working/educational hours as well as during non-working/non-educational activities where there is a connection to the College.

DEFINITIONS

Code Protected Group - a group of individuals in society who are protected against discrimination based on an Ontario Human Rights Code ground including age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, record of offences, sex, and sexual orientation.

Discrimination - In this Policy, discrimination includes, but is not limited to, any statement, action, or behaviour which:

- a) arbitrarily differentiates between individuals or groups on the basis of a protected ground under the Ontario Human Rights Code; or
- b) imposes a disadvantage, or withholds an advantage on the basis of a protected ground.

Frivolous Complaint – is a complaint readily recognizable as devoid of merit.

Harassment - Harassment includes, but is not limited to:

- a) engaging in a course of vexatious comment or conduct against a College Community Member in a College setting, including virtually through the use of information or communications technology, that is known, or ought reasonably to be known, to be unwelcome; or
- b) sexual harassment.

Examples of harassment include, but are not limited to:

- a) unwelcome jokes, slurs, innuendoes or taunting;
- b) behaviour or conduct which might reasonably be expected to cause harm, discomfort, offence or humiliation;
- c) body language or gestures that are disrespectful;

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- d) inappropriate communication via electronic mail and/or attainment, display and distribution of improper information from the internet;
- e) inappropriate, unwelcome touching, come-ons or sexual flirtation; and
- f) displays of sexually offensive pictures or objects.
- g) Any of the foregoing with racial undertones (e.g. telling a racist joke, sharing a racist cartoon or picture, singling out an individual for teasing related to race, ancestry, place or origin, or ethnic origin, etc.).

Examples of harassment do not include:

- a) a reasonable action taken by an employer or manager relating to the management and direction of workers or the workplace.
- b) performance management, coaching, feedback, performance appraisals, and performance improvement plans;
- c) appropriate and justifiable disciplinary action;
- d) providing fair and reasonable constructive feedback or evaluation;
- e) assigning additional work;
- f) voicing minor differences of opinion; and
- g) showing frustration or annoyance, where such behaviour is objectively justified and displayed in a respectful manner without any threat of violence, intimidation or reprisal.

Hate – In this policy, hate includes, but is not limited to:

- a) Hate speech - the use of extreme language or a form of communication that expresses detestation for or vilifies an individual or group of individuals based on colour, ethnicity, place of origin, race, creed, gender, or sexual orientation, among other grounds of discrimination under Ontario's *Human Rights Code*. Hate speech also may or may not constitute a hate crime under Canada's Criminal Code.
- b) Hate crime – is defined as a criminal violation motivated by hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or gender identity or expression, immigration status, or any other similar factor.

It includes hate propaganda offences such as:

- i. advocating or promoting genocide against an identifiable group;
- ii. inciting hatred against an identifiable group in a public place that is likely to lead to a breach of the peace;
- iii. willfully promoting hatred against an identifiable group other than in private conversation;
- iv. willfully promoting antisemitism by denying, condoning, or downplaying the Holocaust;

It also includes hate-motivated mischief committed against certain kinds of property primarily used for religious worship or for other kinds of property

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(such as schools, universities, or community centres) that are primarily used by an identifiable group, where the mischief is committed out of bias, prejudice, or hatred against an identifiable group.

Examples of hate do not necessarily include comments made in public, including over social media, even if those comments are unpopular, offensive, or repugnant. Comments that do not meet the definition of hate speech or hate crime are considered freedom of expression under the Canadian Charter of Rights and Freedoms. However, such comments may still be a violation of this policy, i.e.: harassment.

History of Violence - Pursuant to the *Occupational Health and Safety Act*, the College must provide employees, contractors, and volunteers with information (which could include personal information) related to a risk of workplace violence from an individual with a history of violent behaviour if:

- a) a worker can be expected to encounter this individual in the course of their work; and
- b) the risk of workplace violence is likely to expose the worker to physical injury.

In considering whether to disclose information about an individual with a history of violent behaviour, the College must consider a number of factors, including but not limited to:

- When the violent behaviour occurred
- Where the violent behaviour occurred (i.e. did it occur on campus or at a College-sponsored recreational or social event?)
- Whether the individual is a worker
- If the violent behaviour was perpetrated against a worker
- The circumstances surrounding the violent behaviour
- If the violent behaviour was premeditated
- If the violent behaviour is an isolated incident or a pattern of repeated behaviour

The College will decide: (1) if information will be disclosed; and (2) the extent of the information disclosed. The College will not disclose more information than is reasonably necessary to protect a worker from physical injury.

Poisoned Environment – A poisoned environment is a form of discrimination and can arise from even a single incident. A poisoned environment may be created when unwelcome conduct or comments are pervasive within the organization, which may result in a hostile or oppressive atmosphere based on the prohibited grounds set out in

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the Code for one or more people from a Code-protected group. This can happen when a person or group is exposed to ongoing harassment. However, a poisoned environment is based on the nature of the comments or conduct and the impact of these on an individual rather than just on the number of times the behaviour occurs. Sometimes a single remark or action can be so severe or substantial that it results in a poisoned environment.

The comments or conduct do not have to be directed at a particular individual. A person can experience a poisoned environment even if he or she is not a member of the group that is the target. Further, not addressing discrimination and harassment may in itself cause a poisoned environment.

Racism & Racial Discrimination - Racism is a belief that one group is superior or inferior to others. Racism can be openly displayed in racial jokes, slurs, or hate crimes. It can also be more deeply rooted in attitudes, values, and stereotypical beliefs. In some cases, people don't even realize they have these beliefs. Instead, they are assumptions that have evolved over time and have become part of systems and institutions. Racism operates at several levels, including individual, systemic or institutional and societal.

Race is a socially constructed way of judging, categorizing and creating difference among people. Despite the fact that there are no biological "races," the social construction of race is a powerful force with real consequences for individuals.

Racial discrimination includes any action, intentional or not, that has the effect of singling out persons based on their race, ancestry, ethnicity, or place of origin and imposing burdens on them and not on others, or withholding or limiting access to benefits available to other members of society, in areas covered by the *Code*.

Racism and racial discrimination can be impacted by related *Code* grounds such as colour, ethnic origin, place of origin, ancestry and creed. In addition, race can overlap or intersect with other grounds such as sex, disability, sexual orientation, age and family status to create unique or compounded experiences of discrimination.

Racism and racial discrimination can occur through stereotyping and overt prejudice; racial profiling; or in more subconscious, subtle and subversive ways. Racism and racial discrimination can also occur on a systemic or institutional level.

Examples of racial discrimination include, but are not limited to:

- a) exclusion from formal or informal networks;
- b) denial of mentoring or developmental opportunities and training which were made available to others;

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- c) differential management practices such as excessive monitoring and documentation or deviation from written policies or standard practices when dealing with a racialized person; or
- d) disproportionate blame for an incident.

Sexual Harassment - Sexual harassment includes, but is not limited to, the following:

- a) engaging in a course of vexatious comment or conduct against a College Community Member in a College Setting, including virtually through the use of information or communications technology, 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
- b) making a sexual solicitation or advance where the individual making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the College Community Member and the individual knows, or ought reasonably to know, that the solicitation or advance is unwelcome.

Vexatious Complaint – Is a complaint brought forward to annoy or embarrass the opposite party.

Violence - Violence includes, but is not limited to, the following:

- a) the exercise of physical force against or by a College Community Member that causes or could cause physical injury, including but not limited to, physical acts such as punching, hitting, kicking, pushing, damaging property, or throwing objects;
- b) an attempt to exercise physical force against or by a College Community Member that could cause physical injury; and
- c) a statement or behaviour (or series of statements or pattern of behaviour) reasonably interpreted to be a threat of physical harm or a threat to safety and security in the College setting.

Workplace - A workplace is any land, premises, location or thing at, upon, or in which a College Community Member performs work or supplies services to the College.

PRINCIPLES/GUIDELINES

Northern College:

- will make every effort to work with the individuals involved in the event harassment, hate, violence, racism, racial discrimination, or discrimination of any type is alleged, to find a fair and timely resolution of the matter
- will conduct appropriate investigations, and the rights of both complainants and respondents will be safeguarded to the extent possible.

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- will take all reasonable steps to ensure awareness of this Policy and will be proactive in providing education and training in relation to its provisions.

Further guiding principles regarding the conduct expected of College employees, volunteers and student workers in the performance of their duties can be found in Northern College's Code of Conduct policy.

This policy will not interfere with the rights and obligations specified in current Collective Agreements or Terms and Conditions of Employment.

NO REPRISAL

Harassment, hate, violence, racism, racial discrimination, and discrimination are serious matters. This Policy prohibits reprisals against College Community Members who have made good faith complaints or otherwise provided information about apparent harassment, hate, violence, racism, racial discrimination, or discrimination in the College setting. Individuals who engage in reprisals or threats of reprisals will face appropriate corrective action.

Reprisal includes:

- a) any act of retaliation that occurs because an individual has complained of, or otherwise provided information about, an alleged incident of harassment, hate, violence, racism, racial discrimination, or discrimination in a College setting;
- b) intentionally pressuring an individual to ignore, or not file a complaint about, an alleged incident of harassment, hate, violence, or discrimination in a College setting; and
- c) Intentionally pressuring an individual to lie or provide less than full cooperation with an investigation of a complaint or apparent incident of harassment, hate, violence, racism, racial discrimination, or discrimination in a College setting.

Notwithstanding the foregoing, any College Community Member who deliberately makes a false complaint or otherwise abuses this Policy will face appropriate corrective action. Such corrective action is not a reprisal or breach of this Policy.

RESPONSIBILITIES

1. Duties of the College include:

- a) to take reasonable measures and implement appropriate preventative procedures to protect College Community Members from harassment, hate, violence, racism, racial discrimination, and discrimination, and to otherwise provide a safe and healthy College setting;
- b) to ensure that a workplace violence risk assessment is conducted and to develop procedures to address any workplace violence risks identified in the assessment;

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- c) to ensure this Policy is communicated and available to all College Community Members;
- d) to provide training and education on this Policy and related legislation, including the Code and the OHSA, to all College management;
- e) to provide information and instruction to College employees, contractors and volunteers regarding the College's procedures that address applicable workplace violence risk(s);
- f) to establish a process for summoning immediate assistance when harassment, violence or discrimination occurs or is likely to occur, and to ensure the process is communicated, maintained and followed; to establish a process for reporting and responding to incidents of harassment, violence, racism, racial discrimination, or discrimination, and to ensure the process is communicated, maintained and followed;
- g) to ensure the security and safety of all parties involved during an investigation of complaints or incidents of harassment, hate, violence, racism, racial discrimination, or discrimination;
- h) to ensure that this Policy is reviewed at least annually or when revisions/updates are identified;
- i) to post this Policy in a conspicuous place in all College settings;
- j) to report annually to the College's Board of Governors on the implementation and effectiveness of anti-racism/anti-hate policies and rules, including the following information in a manner that protects the privacy of individuals:
 - The number and type of complaints reported by students, and employees, including a general description/categorization of the complaints (e.g., verbal, physical, property), including the number of complaints that do not proceed to a review.
 - As applicable, the associated Code group (e.g., ethnicity, race, religion, sexual orientation) and the sub-category (e.g., anti-Black racism, anti-Indigenous racism, antisemitism and Islamophobia).
 - Outcomes of these incidents, including response and resolution timelines (e.g., the number of months to resolve a complaint), findings of investigations, disciplinary measures taken and any involvement of law enforcement
 - An explanation of the extenuating circumstances where the timeline to investigate the complaint exceeded 12 months

2. Duties of Managers include:

- a) to understand and promote this Policy at all times;
- b) to communicate and review this Policy with the College Community Members you manage or supervise;
- c) to make this Policy available to all College Community Members;

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- d) to provide information and instruction to College employees, contractors, visitors, and volunteers regarding the College's procedures that address applicable workplace violence risk(s);
- e) to encourage College employees, contractors, visitors, volunteers, and students to report risks or complaints or incidents of harassment, hate, violence, racism, racial discrimination, and discrimination;
- f) to respond to all complaints or incidents or risks of harassment, hate, violence, and discrimination in a professional manner appropriate for the circumstances of the complaint or incident or risk;
- g) to ensure the security and safety of all parties involved during an investigation of complaints or incidents of harassment, hate, violence, racism, racial discrimination, or discrimination; and
- h) to comply with this Policy at all times to protect themselves and others in the College setting from harassment, hate, violence, racism, racial discrimination, or discrimination.

3. Duties of Student Advisors include:

- a) to immediately notify your manager and/or Human Resource Services, or other designated individual, of any apparent harassment, hate, violence, racism, racial discrimination, or discrimination of which you have knowledge;
- b) to assist and support students with accessing and navigating this Policy and the procedures set out herein;
- c) to offer to assist and support College faculty with matters related to this Policy and in-class concerns; and
- d) to be aware of and report on trends in behaviour related to harassment, hate, violence, racism, racial discrimination, or discrimination in the College setting.

4. Duties of College Community Members include:

- a) to understand and abide by this Policy at all times;
- b) for employees, contractors, visitors, and volunteers to immediately notify your manager and/or Human Resource Services, or other designated individual, if you believe you are at risk of violence in the workplace, including domestic violence;
- c) for employees, contractors, visitors, and volunteers to immediately notify a manager and/or Human Resource Services, or other designated individual, of any apparent incident of harassment, hate, violence, racism, racial discrimination, or discrimination, whether you are the victim or not;
- d) for students to immediately notify a Student Advisor, Campus Manager, Dean, or other designated individual, of any apparent incident of harassment, hate, violence, racism, racial discrimination, or discrimination, whether you are the victim or not;
- e) to immediately contact the police in case of an extreme or imminent threat of physical harm to yourself or any individual;

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- f) to participate in training regarding this Policy and all College procedures directed at mitigating harassment, hate, violence, racism, racial discrimination, or discrimination;
- g) to act respectfully towards other College Community Members; and
- h) to fully cooperate as required in any investigation of complaints or incidents of harassment, hate, violence, racism, racial discrimination, or discrimination.

The College will decide: (1) if the information will be disclosed; and (2) the extent of the information disclosed. The College will not disclose more information than is reasonably necessary to protect a worker from physical injury.

REFERENCE

[Ontario Human Rights Code](#)
[Occupational Health and Safety Act](#)
[Anti-Racism Act](#)

Upholding Free Speech Policy

Academic Freedom – Rights and Responsibilities Policy

Code of Conduct Policy

Sexual Violence and Sexual Harassment Policy

Sexual Violence and Sexual Harassment Procedure

Sexual Misconduct Policy

Sexual Misconduct Procedure

Student Code of Conduct

Respectful College Community Procedure for Students

Respectful College Community Procedure for Employees, Contractors, Visitors and Volunteers

REVIEW OF THE POLICY

The College will review this policy no less frequently than once per year and as required by legislation.

APPROVAL BY PRESIDENT



Mitch Dumas President and CEO

January 28, 2025

Date

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