



PSYCHOLOGICAL HARASSMENT PREVENTION POLICY

1. DATE

Adopted by the Board of Governors on May 25, 2021. Last revised on June 4, 2024.

2. PURPOSE AND OBJECTIVES

Marianopolis College is committed to fostering an environment where all members of its community feel respected and are free from harassment. Through this policy, the College affirms a zero-tolerance stance on harassment. The College recognizes the critical importance of proactive, accessible and effective approaches that prohibit, prevent and respond to harassment. Every member of the Marianopolis community has a role to play in maintaining a safe and respectful environment.

The purpose of this policy is to:

- protect the right to a safe and respectful learning and working environment for each member of the Marianopolis community;
- prevent harassment and build awareness in the College community of the kinds of behaviours that constitute harassment;
- promote timely and coordinated responses to disclosures and reports of harassment;
- provide a complaint processing policy that defines roles and procedures to address allegations of harassment;
- comply with the Act Respecting Labour Standards and the Charter of Human Rights and Freedoms;
- align with the College's Sexual Violence Policy, pursuant to the Act to Prevent and Fight Sexual Violence in Higher Education Institutions.

3. SCOPE OF APPLICATION

This policy applies to:

- all College-sanctioned activities, whether employment-related, academic, recreational, social, athletic or otherwise, occurring on campus, off campus or online. This includes but is not limited to courses, academic activities, sports, clubs, associations, trips and events.
- any other context related to the College when someone's behaviour limits the ability of a member of the Marianopolis community to enjoy a safe and respectful environment at the College or while engaged in College activities.

4. DEFINITIONS

College: Marianopolis College as a legal entity.

Disclosure: the act of confiding in the on-campus resource person about a potential harassment situation, either experienced or witnessed. Disclosure carries no obligation to file a report.

Complainant: a member or group of members of the Marianopolis community who believes they may have experienced or witnessed harassment as defined in this policy and who has made a disclosure or a report.

Confidentiality: the identities and the details relating to a disclosure or a report of harassment are carefully guarded by all parties involved and revealed only on a strict need-to-know basis to ensure correct handling, or because there is an imminent risk of harm or danger to the complainant or others, or as required by law.

Employee: any person receiving remuneration from the College in the context of an employment relationship with the College. This includes faculty, staff, managers, and interns employed by the College.

Investigator: duly qualified external professional who is retained by the College to carry out an investigation according to this policy.

Mediator: duly qualified internal or external professional who assists a complainant and a respondent in reaching their own agreement during a formal mediation.

Psychological Harassment: as defined by the Act Respecting Labour Standards, psychological harassment means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects a person's dignity or psychological or physical integrity and that results in a harmful environment.

Psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature. In these situations, the Sexual Violence Policy takes precedence.

A single serious incident that has a lasting harmful effect on an individual may also constitute psychological harassment. It can occur between people of any status, regardless of whether there is a power differential between them.

Discrimination on any of the grounds listed in section 10 of the Quebec Charter of Human Rights and Freedoms is also prohibited under this policy and, where harassment is linked to one of these grounds, it constitutes discriminatory harassment, which is also prohibited under this policy. These grounds include race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Examples of behaviour that may constitute harassment include but are not limited to bullying, defamatory remarks, threats, isolation and humiliation.

Examples of behaviour that do not necessarily constitute harassment include but are not limited to interpersonal disagreements, exercise of workplace or classroom management and disciplinary measures.

Marianopolis community: students, employees and board members.

On-campus resource person: the duly qualified professional selected by the Director General to receive disclosures and reports.

Policy: the Psychological Harassment Prevention Policy.

Report: a formal complaint made to the on-campus resource person following an incident of harassment.

Respondent: a member or group of members of the Marianopolis community who are alleged to have committed harassment as defined in this policy and who are the subject of a disclosure or a report.

Student: a person who is registered in one or more courses at the College or who has completed the previous semester at the College and is eligible to return in the following semester.

Support resources: examples include but are not limited to supervisors, unions, the employee assistance program, student counselling at the College, and counselling through health and social services providers.

5. ROLES AND RESPONSIBILITIES

5.1. All members of the Marianopolis community are required to:

- comply with this policy;
- adopt behaviours that contribute to a respectful environment;
- help put a stop to harassment by intervening in, disclosing or reporting harassment situations that they experience or witness;
- fully collaborate in the resolution process of any report, including their own;
- respect everyone's right to privacy and the confidentiality of any report and its resolution process.

5.2. The on-campus resource person is responsible for:

- meeting with complainants who wish to make a disclosure or a report;
- informing complainants of their rights and options;
- referring complainants to appropriate support resources;
- ensuring that reports of harassment are directed to the person designated to handle the report;
- conducting awareness, education and training activities.

5.3. Persons designated to handle reports as listed in section 9.2 are responsible for:

- carrying out the duties outlined in section 9.3;
- completing the necessary training in relation to these duties.

5.4. The Director General is responsible for ensuring that:

- this policy is applied correctly, consistently and fairly;
- this policy is reviewed periodically;
- training is provided to persons handling reports;
- measures for awareness, education, prevention, intervention and support are put in place;
- third parties with contractual obligations to the College are made aware of this policy.

5.5. The Board of Governors approves this policy and any revisions thereto.

6. SAFETY AND PREVENTION MEASURES

To promote a safe and respectful environment and to minimize risks of harassment, the College will periodically assess and adjust where necessary its safety and prevention measures. These include:

- security protocols and emergency response procedures;
- identification of risk factors and potentially difficult situations in the learning and working environments;
- guidelines for College-sanctioned activities, notably social occasions.

7. AWARENESS, EDUCATION AND TRAINING MEASURES

The College will provide awareness, education and training activities addressing harassment and the shared role that all members of the Marianopolis community play in its prevention. These activities will focus on subjects such as:

- the content of this policy;
- available resources and how to seek support;
- respect and civility in the learning and working environments;
- how to handle difficult situations.

8. DISCLOSURES

8.1. Following an incident that is perceived to be harassment, the complainant may attempt to address the situation informally by telling the respondent that their behaviour is unwanted and asking them to stop. If that is not possible or does not resolve the matter, the complainant is encouraged to disclose the situation and discuss any questions regarding harassment with the on-campus resource person. The complainant should take note of the date(s) and details of the situation as well as the actions taken to try and resolve it, if any.

8.2. When responding to a disclosure, the on-campus resource person will:

- 8.2.1. provide a private space where the disclosure can be made;

- 8.2.2. inform the complainant of, and facilitate their access to, the various support resources and forms of recourse available to them, inside or outside the College;
- 8.2.3. take all appropriate measures to protect confidentiality to the extent possible for the complainant and for the respondent;
- 8.2.4. explain the process of making a report to the complainant;
- 8.2.5. respect the complainant's decision to refrain from making a report, insofar as possible and taking into account the College's obligation to take reasonable measures to put a stop to harassment. In that situation, when the College decides to act on a disclosure, the complainant is given reasonable periodic updates on the status of the file;

9. REPORTS

- 9.1. Complainants are encouraged to file a report as soon as possible. This said, a report may be filed up to two (2) years following the last occurrence of possible harassment.
- 9.2. Reports should be made to the on-campus resource person who will see to it that the report is directed to the following person:
 - the Director, Student Affairs if the situation involves students only and occurred outside the context of a course;
 - the Associate Dean, Student Success if the situation occurred within the context of a course;
 - the Director, Human Resources if the situation involves an employee and occurred outside the context of a course;
 - the Director General if the situation directly involves the Academic Dean, the Senior Director, Finance and Administration, the Director, Human Resources, or the on-campus resource person;
 - the Chair of the Board of Governors if the situation directly involves the Director General or only external members of the Board of Governors.

In the case of a conflict of interest, real or perceived, provisions of the Code of Employee Conduct will apply.

- 9.3. The person handling the report according to 9.2 will:
 - 9.3.1. meet with the complainant at the earliest opportunity and take note of any additional details of the situation, as well as any actions taken by the complainant to try and resolve it, if any;
 - 9.3.2. depending on the circumstances, take immediate measures to protect the working or learning environment of those involved;
 - 9.3.3. take all appropriate measures to protect the confidentiality of the complainant and the respondent;

- 9.3.4. take all appropriate measures to protect the complainant from reprisal or threat of reprisal;
 - 9.3.5. determine if the complaint is admissible under this policy, in that, should all the facts of the complaint be averred, it would appear to meet the basic criteria for psychological harassment, and is not frivolous, vexatious or made in bad faith;
 - 9.3.6. if the complaint is deemed inadmissible under this policy, provide the rationale to the complainant in writing, and if necessary, explain that the situation should be addressed through another mechanism, such as another College policy, or through an informal approach, and indicate their right to an appeal;
 - 9.3.7. if the complaint is deemed admissible under this policy and depending on the circumstances, offer the complainant an opportunity for mediation with the respondent and a mediator;
 - 9.3.8. if the circumstances rule out mediation in the view of the person handling the report, or if mediation fails, arrange for an investigation and provide the investigator with the report and other relevant documents they may request;
 - 9.3.9. inform the complainant and the respondent of the outcome of the investigation.
- 9.4. The investigator will:
- 9.4.1. meet with the complainant to obtain the details of their complaint pursuant to their report;
 - 9.4.2. meet with the respondent to provide them with the opportunity to present their version of the facts regarding the allegations against them, including a written statement if they so choose;
 - 9.4.3. meet with any witnesses they deem relevant and analyze any evidence pertaining to the allegations;
 - 9.4.4. give the complainant and the respondent periodic updates about the status of the investigation;
 - 9.4.5. prepare an account of their findings and conclusions regarding the complaint, and share this account with the person handling the report.
- 9.5. The investigation must be concluded within ninety (90) days from the date when the complainant files the report, unless extended because of a mediation process or by request of the investigator, or due to other extenuating circumstances (e.g. leave of absence of one of the parties, multiple parties or witnesses, etc.). However, such an extension will in no circumstances exceed sixty (60) days.

- 9.6. Following the investigation, all materials related to the investigation will be sealed and retained by the person handling the report for three (3) years and then destroyed.
- 9.7. Any disciplinary process that results from an investigation will be carried out in accordance with procedures governing working conditions or the Code of Student Conduct, whichever applies. Privacy legislation prevents the College from sharing this information with the complainant.

10. APPEALS

- 10.1. An appeal may only be lodged if the decision reached was arbitrary or discriminatory, or if the inadmissibility of the complaint is contested, or if any of the procedures outlined in section 9 were not respected.
- 10.2. An appeal must be submitted within one (1) year following the date of the original report and must include the specific reasons for the appeal.
- 10.3. The appeal must be submitted in writing to the Director General, or to the Chair of the Board of Governors if the original complaint directly involved the Director General or only external members of the Board of Governors.
- 10.4. If the appeal pertains to an initial decision by the Director General or the Chair of the Board of Governors, then they must defer the decision on the appeal to a duly qualified external professional.
- 10.5. The decision must be provided to the appellant in writing within thirty (30) days of receiving the appeal.
- 10.6. A successful appeal will result in a new investigation into the complaint, the report being deemed admissible or other corrective measures, as the case may be.
- 10.7. Notwithstanding the above, an employee may pursue other recourse such as a grievance through their union, or a complaint to the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST), or other legal recourse.

11. POLICY REVIEW

The policy will be reviewed every three (3) years or at the request of the Director General. The review will be conducted through the Office of the Director General and will involve the participation of faculty, staff and students.

12. RELATED POLICIES

The following College policies may be useful in the application of this policy.

- Code of Employee Conduct
- Code of Student Conduct
- Institutional Policy on the Evaluation of Student Achievement (IPESA)
- Privacy Policy
- Sexual Violence Policy

- Working conditions policies and/or collective agreements

13. OTHER RESOURCES

- Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)
- Canadian Centre for Occupational Health and Safety (CCOHS)