

**TITLE: DISCRIMINATION AND HARASSMENT POLICY**

**Date of Approval: January 23,  
2020**

**Mandatory Review  
Date: January 23,  
2025**

**Approved By:  
PVP**

**Effective Date: January 23, 2020**

## 1. PURPOSE

1.1 The Sheridan College Institute of Technology and Advanced Learning (“Sheridan”) is committed to providing a working and learning environment that is free from discrimination and harassment, and that is supportive of academic achievement and the dignity, self-esteem and fair treatment of everyone taking part in Sheridan’s activities. Sheridan seeks to foster a climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well-being of the community. Sheridan will not tolerate any form of discrimination or harassment as defined by this Policy, the Ontario *Human Rights Code* (Code) and the Ontario *Occupational Health and Safety Act* (OHSA). The Centre for Equity and Inclusion (CEI) is responsible for administering this Policy (see 4.2 for a full description of CEI’s role).

1.2 While this Policy provides a resolution-oriented process for resolving concerns and, where necessary, investigating complaints, its primary purpose is to prevent discrimination and harassment from taking place at Sheridan.

1.3 **Limits:** Nothing in the Policy is intended to prevent an individual from using alternate procedures, such as those found in a Collective Agreement, the Code, the OHSA, the Student Code of Conduct – Adjudication Process, or other court or tribunal process. In such cases, a complaint under this Policy may be suspended until another chosen procedure has been completed, or it may be dismissed altogether.

## 2. SCOPE

2.1 **Coverage:** The Policy applies to all Sheridan Community Members while such individuals or groups are acting in a capacity defined by their relationship with Sheridan, irrespective of the location or activity. To fall within the scope of this Policy, an alleged incident or behaviour must have an adverse impact on a person in the context of employment, education or housing (e.g. student residences).

**2.2 Contractual Relationships:** Any person or entity that has a contractual relationship with Sheridan shall cooperate in the complaint resolution processes under this Policy and its Procedures.

**2.3 Supervisors:** Nothing in this Policy is intended to detract from the rights and duties of faculty\*, managers and supervisors to manage and direct work or learning (e.g. performance management, classroom management, etc.). In the case of employment, this could mean discipline in accordance with applicable legislation, Collective Agreements, or Sheridan policies and procedures.

\* In academic institutions, faculty are in positions of authority and are considered to have the same responsibility as managers and supervisors to prevent or discourage discrimination and harassment.

2.4 This Policy and its Procedures are distinct from Sheridan's *Sexual Violence Policy*, under which sexual assault and sexual violence are explicitly covered.

### **3. DEFINITIONS**

**Accommodation:** A means of preventing and removing barriers that impede full participation and access based on the prohibited grounds of discrimination. It is not a courtesy or a favour, nor is it a lowering of academic or employment standards. Accommodation is the recognition that individuals may require some adjustments in order to support their performance on the job or in the classroom. Providing an accommodation is a shared responsibility between Sheridan and the individual requesting the accommodation. Breaches of the duty to accommodate may be subject to the same consequences as complaints of discrimination and harassment.

**Balance of Probabilities:** The standard of proof used in civil and administrative law to establish whether discrimination and/or harassment has occurred. It is the determination of whether it is more likely than not that the allegations occurred. This is the standard that is used to address complaints under this Policy.

**Complainant:** An individual who makes a Complaint to Sheridan of discrimination and/or harassment, pursuant to the Policy and its Procedures.

**Complaint:** An allegation of an incident or behaviour, or of a systemic barrier, that is believed by the Complainant to contravene the Policy and its Procedures.

**Concern:** An inquiry about an individual's rights relating to an incident or behaviour, or of a systemic barrier, that has not yet been advanced as a Complaint.

**Debarment:** The state of being excluded from enjoying certain rights, privileges or practices due to allegations of impropriety (e.g. discrimination or harassment). This could include, for example, suspending or terminating Sheridan's relationship with a Work-Integrated Learning Partner, due to concerns raised under this Policy.

**Discrimination:** Any intentional or unintentional act, conduct, standard or policy which creates a distinction between certain individuals or groups based on one or more of the prohibited grounds as defined in the *Code* and results in negative, adverse or differential treatment, which may include imposing extra burdens or denying benefits. It may involve direct actions that appear to be discriminatory, or it may involve rules, practices, or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. It may be obvious, or it may occur in subtle ways.

**Prohibited Grounds** on which a person has a right to be free from discrimination and harassment, include:

- race, ancestry, place of origin, colour, ethnic origin, citizenship
- creed (religious, Indigenous or spiritual observance)
- sex, sexual orientation
- disability
- age
- gender expression, gender identity
- marital and same-sex partnership status (includes cohabitation, widowhood, separation and divorce)
- family status (parent-child relationship)
- the receipt of public assistance (in accommodation only)
- record of offences (in employment only)
- other grounds protected by the Policy, the *Code* or other applicable legislation.

**Employee** includes a person under the employ of Sheridan either: on a full-time, ongoing basis under the terms of the Academic Employees Collective Agreement, the Support Staff Collective Agreement, the Part Time Support Staff Collective Agreement, or the Terms and Conditions for Administrative Employees; on a less than full-time, and/or temporary basis under the terms of an employment agreement; on a cooperative or work-term placement educational training program; and/or on a volunteer basis. Employee also includes the term “Worker” as it is defined, for the purposes of “Workplace Harassment” protections, under the *Occupational Health and Safety Act*.

**Frivolous:** Without importance or lacking in substance, factual basis, or proper seriousness.

**Harassment (including Workplace Harassment):** A course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. For the purpose of the Policy, harassment may include comment or conduct linked to prohibited grounds (see “Discrimination” above), initiated by one person towards another, which cause humiliation, offence or embarrassment. Single acts of sufficient severity may constitute harassment.

**Investigation:** The steps taken that are appropriate in the circumstance to determine whether a violation of the Policy has, on a balance of probabilities, occurred.

**Particulars:** The specific details or circumstances surrounding an allegation (e.g. date, time, individuals involved, description and impact of incident or behaviour) that provide sufficient information for a party to be able to respond to the allegation.

**Parties (to a Complaint):** The “parties” refers to the Complainant(s) and Respondent(s) identified in an informal process or named on the complaint forms in a formal process.

**Poisoned Environment:** Any working or learning environment where discriminatory or harassing actions or behaviours are condoned, such as insults, jokes or posting/displaying of offensive material, including by electronic means, relating to one of the prohibited grounds or otherwise, though not necessarily directed at anyone in particular, that has the effect of creating or maintaining an offensive, or intimidating climate to work or study.

**Preliminary Assessment:** The process whereby it is determined whether a Complaint falls within the scope of the Policy. This may include, but is not limited to, reviewing documentation, and informal interviews with the Parties to a Complaint.

**Reasonable Action:** Any justifiable action taken by a Supervisor relating to the supervision and/or direction of an employee (or the place of employment) or a student, as the case may be. Reasonable Action taken by a Supervisor related to the management and direction of employees is not considered discrimination or harassment.

**Reprisal:** Any act of retaliation or threat of retaliation for making a good faith report of discrimination or harassment, or participating in the complaint resolution process (including being a witness) under the Policy or its Procedures.

**Respondent:** An individual against whom a Complaint has been made, pursuant to the Policy and its Procedures.

**Sexual Harassment:** One or a series of comments or conduct of a gender-related or sexual nature that is known or ought reasonably to be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate.

*Note: Sexual assault and sexual violence are explicitly covered by Sheridan’s Sexual Violence Policy.*

**Sheridan Community Members** include students, course participants, employees, supervisors, student workers, Board of Governors members, members of committees, societies or associations established or recognized by Sheridan, contractors/sub-contractors hired by Sheridan (including Sheridan’s Work-Integrated Learning Partners), providers of service or research, volunteers, visitors or guests, applicants for admission or employment, and others who attend on campus, or who are otherwise connected to Sheridan’s operations.

**Student** means any individual who is admitted, enrolled or registered for study at Sheridan. Individuals who are active in a program, but not enrolled in classes for a

particular term (e.g. on vacation, or coop term) are considered to have a continuing student relationship and are included in the definition of a student.

**Supervisor:** A person(s) who has charge of a working environment or authority in the case of an employee, or of the learning environment in the case of a student.

**Systemic Complaint of Discrimination and/or Harassment:** A complaint about policies, practices, procedures, actions or inactions that appear neutral but have an adverse impact, usually associated with one of the prohibited grounds (see “Discrimination” above).

**Vexatious:** Without reasonable cause or excuse.

**Working or Learning Environment:** Any land, premises, location or thing at, upon, in or near which an individual works or studies, including Sheridan-sanctioned events.

#### **4. POLICY STATEMENT**

**4.1 Shared Responsibility:** All Sheridan Community Members share responsibility for creating and maintaining a working and learning environment free from discrimination and harassment and that is supportive of the dignity, self-esteem and fair treatment of everyone taking part in its activities. This means not engaging in, allowing, condoning or ignoring behaviour that is contrary to this Policy.

This Policy is not meant to interfere with mutually acceptable social interactions that are an important part of a working and learning environment.

**4.2 Role of the Centre for Equity and Inclusion (CEI):** CEI is responsible for providing education and information concerning all forms of discrimination and harassment, administering efforts to resolve concerns, and investigating complaints. The staff of CEI may need to act outside official reporting lines in order to be able to manage processes in a consistent, timely, impartial and fair manner, and treat all contacts with confidentiality (subject to the limitations described in section 4.12). A contact with CEI need not lead to further action, but it is recommended that Sheridan Community Members seek their advice sooner rather than later if they suspect they are being subjected to discrimination and/or harassment, to prevent a situation from escalating or deteriorating. The role of CEI is to:

- interpret and administer this Policy and its Procedures, and draft any related Procedures;
- develop and implement training and instruction on the Policy and any related Procedures;
- provide advice, guidance and consultation to all participants under this Policy and its Procedures towards the resolution of concerns and complaints;
- outline and explore options for resolving concerns and complaints, and facilitate their resolution including personal resolution, informal resolution using alternative dispute resolution measures, or pursuing formal resolution;

- oversee and ensure that concerns and complaints are assessed and/or investigated in a manner that is appropriate in the circumstances, in accordance with applicable Collective Agreements, legislation and other contractual obligations, and coordinate the investigation process in a consistent, timely, impartial and fair manner;
- communicate the results of any investigation under this Policy to the parties and inform them of any corrective action that has been taken or will be taken as a result of the investigation; coordinate with Human Resources and the Student Rights and Responsibilities Office (SRRO) as appropriate to ensure this communication occurs;
- assist persons with supervisory responsibilities in the early resolution processes;
- make referrals to other Sheridan departments or outside organizations that can further support or assist the parties in resolving the matter; and
- bring to the attention of Sheridan any policy, procedure or practice that appears to discriminate against an individual or group.

**4.3 Sheridan's Responsibility:** Sheridan recognizes its responsibility to ensure that every Member in its community is protected from unlawful discrimination and harassment and will not tolerate such behavior as defined under this Policy, including behaviours that contribute to a Poisoned Environment. In the event that discrimination or harassment is alleged, every effort will be made to work with the individuals involved to find a fair, timely and effective resolution of the matter. It is recognized that the most effective way to deal with discrimination and harassment is through preventative action, including informing, educating and good management.

Sheridan is committed to ensuring that each member of the Sheridan community is made aware of the Policy through an ongoing program of information dissemination, education and training.

**4.4 Supervisory Responsibilities:** Managers, supervisors and instructors are in positions of trust, power and authority and have a particular duty to act when they know, or ought reasonably to know, that discrimination or harassment has occurred. This duty includes the obligation to be familiar with and uphold this Policy and its Procedures. Properly discharged responsibilities by managers, supervisors or instructors do not constitute harassment. Performance appraisals, counseling, discipline and the proper enforcement of high standards, provided that such standards are applied in a non-discriminatory manner, are not contrary to this Policy.

**4.5 Reporting:** Sheridan Community Members are encouraged to report to CEI in good faith any allegations of discrimination or harassment, as well as the reasonable belief of the existence of a Poisoned Environment.

**4.6 Duty to Act:** Sheridan may act on a concern or complaint in accordance with this Policy in a situation where it reasonably believes that discrimination or harassment may have occurred, even though no person has complained about a violation of this Policy.

**4.7 Complaint Resolution Processes:** The complaint resolution processes are intended to be remedial and seek to understand the consequences and impacts of a concern or complaint, identify who or what is responsible, and determine the appropriate levels of accountability.

**4.8 Cooperation:** All Sheridan Community Members are expected to participate fully with this Policy and its Procedures. Failure to participate in any Preliminary Assessment or complaint resolution process may result in an adverse finding and may be cause for disciplinary action up to and including dismissal in the case of an employee, non-academic expulsion in the case of a student, or debarment in the case of all other Community Members.

#### **4.9 Support Persons**

At any time during the complaint resolution processes, an individual may seek the assistance of a support person (such as a friend, colleague, or family member) or union representation as applicable. This does not include legal representation. Support persons may not be otherwise involved in the process (e.g. as a party, witness, etc.), and are not allowed to speak on behalf of the individual. All support persons are subject to the same obligations around confidentiality and other processes under this Policy and its Procedures as the participants who engaged them. If at any stage an individual requires accommodation in order to participate in any complaint resolution processes, the individual should contact CEI as soon as possible to make this request.

**4.10 Resolution Outcomes:** Resolution outcomes are intended to encourage action to prevent reoccurrence and make positive changes in climate and culture for the future. To the extent possible, where a complaint is substantiated, Sheridan's objective is to attempt to restore the parties to the position they would have been in had the alleged incident or behaviour not occurred. A substantiated finding of a violation of the Policy may be cause for disciplinary action by Sheridan up to and including dismissal in the case of an employee, non-academic expulsion in the case of a student, or debarment in the case of all other Community Members.

**4.11 Confidentiality:** CEI will respect and maintain the confidentiality of all persons (and information obtained) related to or involved in a concern or complaint of discrimination, harassment or a Poisoned Environment, subject to the limitations set out in section 4.12. Participants in any complaint resolution or investigation process must maintain confidentiality in order to preserve the integrity of these processes. Breaches of the confidentiality requirements under this Policy and its Procedures may be subject to the same consequences as complaints of discrimination and harassment. Communicating with personal supports such as family, a union representative, medical and legal professionals is not considered a breach of confidentiality.

**4.12 Limits to Confidentiality and Reporting Requirements:** Limitations to confidentiality exist when:

- An individual may be at risk of harm to self or of harming others;
- There are reasons to be concerned about safety or a potential risk of violence;

- The sharing of information is reasonably necessary to investigate the complaint;
- Disclosure is required by Sheridan policy, or by law (e.g., abuse of someone under the age of 16; or to comply with the *Occupational Health and Safety Act*, human rights legislation, etc.);
- Information about the disclosed allegation is available in the public realm;
- There are reporting requirements of a relevant regulatory or professional licensing body.

**4.13 Special Programs:** Sheridan may, from time to time, implement special programs designed to relieve hardship or disadvantage or to assist disadvantaged persons or groups in achieving or attempting to achieve equal opportunity. The protections from discrimination and harassment defined in this Policy are not infringed if such an initiative is implemented.

**4.14 Timelines:** This Policy provides an opportunity to deal with discrimination and harassment issues efficiently and fairly through the complaint processes described in the Procedures. Sheridan Community Members are encouraged to bring forward complaints as soon as possible, but in any case, a complaint must be initiated and filed within 12 months of the last occurrence of discriminatory or harassing behaviour. This time limit may be modified or extended at the discretion of CEI where the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.

**4.15 Trivial, Frivolous, Vexatious, and Bad-Faith Allegations:** It is a violation of this Policy and its Procedures for any person to:

- make a trivial, frivolous, vexatious or bad faith complaint or allegation;
- initiate a procedure in bad faith; or
- influence an ongoing procedure under this Policy in bad faith.

Any person who is found to have acted in bad faith, as described above, may be subject to the same consequences as complaints of discrimination and harassment.

**4.16 Protections Against Reprisal:** In order to protect individuals who make use of this Policy and its Procedures in good faith or participate in proceedings in good faith as part of the complaint procedure, Sheridan prohibits reprisal or threat of reprisal against these individuals. Any person who is found to have acted in, or threatened reprisal may be subject to the same consequences as complaints of discrimination and harassment.

**4.17 Onus and Standard of Proof:** Allegations of breaches of this Policy must be proven on a “balance of probabilities”, and not on the more stringent criminal law standard of “proof beyond a reasonable doubt”. Complainants are required to provide sufficient evidence for a complaint process to proceed.

**5. Responsible Office:** The office responsible for administering this Policy is the Centre for Equity and Inclusion. For a full description of CEI’s role, see section 4.2.

CEI can be reached at:



Email: [equity@sheridancollege.ca](mailto:equity@sheridancollege.ca)  
Tel: 905-845-9430, ext. 2229

**TITLE: DISCRIMINATION AND HARASSMENT PROCEDURES**

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**Approved By:  
CEI**

**Effective Date: January 23, 2020**

## 1. PURPOSE

The purpose of these Procedures is to outline steps that may be taken, in accordance with the Discrimination and Harassment Policy, to address issues of discrimination and/or harassment, and to provide a mechanism for resolving concerns and complaints. These procedures describe conflict resolution at Sheridan as a shared community responsibility.

## 2. SCOPE

These Procedures apply to all Sheridan Community Members as defined in the policy.

## 3. DEFINITIONS

*(Please refer to the Definitions section in the Policy.)*

## 4. PROCEDURES

### 4.1 Addressing a Concern or Complaint

Sheridan has developed these Procedures for dealing with concerns or complaints of discrimination and harassment. The resolution processes are intended to provide a timely forum to address allegations of discrimination and/or harassment under the Discrimination and Harassment Policy.

4.2 Any individual who alleges discrimination or harassment (“Complainant”), including a supervisor or a third-party representative, may report and/or initiate a concern or complaint under the Discrimination and Harassment Policy. Sheridan will act on a complaint that details the nature of the allegations and any information in support of the complaint, including specific allegations of discrimination or harassment and the names of possible witnesses.

### 4.3 Filing a Formal Complaint Within Sheridan

The complaint procedures will vary depending on the profile of the Complainant (the person who is alleging discrimination or harassment) and the Respondent (the person who is being accused of committing the discrimination or harassment). Please see below for the correct procedure for filing a formal complaint.

Complainant	Respondent	Where to File Complaint	Resolution Lead
1) Employee*	Employee	CEI	CEI
2) Employee	Student*	CEI	CEI (working with SRRO)
3) Student	Employee	SRRO or CEI	CEI (working with SRRO)
4) Student	Student	SRRO	SRRO
5) Other*	Employee	CEI	CEI
6) Employee	Other	CEI	CEI
7) Other	Student	CEI	CEI (working with SRRO)
8) Student	Other	SRRO or CEI	CEI (working with SRRO)

\* See section 3 of the Discrimination and Harassment Policy for definitions of “Student” and “Employee”. “Other” may include anyone who is not a Student or an Employee, but who is otherwise included in the definition of “Sheridan Community Member”.

In some instances, the actions of an individual may violate more than one Sheridan policy. Where multiple policies apply, those responsible for initiating the processes will confer to determine which Policy should be applied, whether multiple processes are required and/or which takes precedence. Individuals may have multiple relationships with Sheridan (e.g. simultaneously a student and an employee). The facts of the situation and/or the context of the behaviour will determine which policies and related processes shall be applied and in what order.

**4.4 Counter-Complaint**

The filing of a counter-complaint by a Respondent regarding matters subject to a fact-finding under these procedures need not result in a separate process. The allegations raised by the Respondent may be addressed within the scope of the original complaint.

The filing of a counter-complaint must be made within ten (10) College working days of receiving notice of the allegations of discrimination and/or harassment and any particulars of the original complaint.

#### **4.5 Withdrawing a Complaint**

A Complainant has the right to withdraw a complaint at any stage in the process. However, Sheridan may continue to act on the issues identified in the complaint as required by the Policy, other Sheridan policies, in the interests of the Sheridan community, for health and safety reasons, or as otherwise required by law.

**4.6 Costs:** Any costs incurred by the parties during the complaint resolution processes (legal, travel, etc.) are their own responsibility. CEI will attempt to conduct processes that involve parties (intakes, investigation interviews, etc.) at the preferred location of the parties.

### **5. RESOLUTION PROCESSES**

Sheridan will take appropriate steps to address and resolve situations of tension and conflict that fall within the scope of the Discrimination and Harassment Policy. Not every matter will require a Formal Resolution (Investigation) to achieve a favourable resolution. Many matters can be effectively resolved through Personal Resolution and Facilitated Resolution strategies. These strategies often allow for earlier intervention (before matters escalate and become entrenched), creative and collaborative problem solving, and the preservation of ongoing relationships between disputing parties. Please see the Discrimination and Harassment Procedures Flowchart in Appendix A for an overview of Sheridan's resolution processes.

#### **5.1 Personal Resolution:**

If an individual has a concern that they have been or are being subjected to discrimination and/or harassment, they should keep a written record of the nature of the behaviour, parties involved, dates, times and incidents, and the names of witnesses (if any). Individuals should also, where it is possible and safe to do so, make their disapproval known to the person who is causing the offence ("Respondent") and ask that the unwelcome behaviour stop.

#### **5.2 Facilitated Resolution:**

If it is not appropriate to bring the matter to the attention of the person who is causing the offence (Respondent), or if the unwelcome behaviour continues after the person has been asked to stop, the individual may report the concern to their immediate Supervisor in the case of employees, and to the SRRO in the case of students, who will make efforts to resolve the issue in accordance with the Policy (and where appropriate, in consultation with CEI). Where the Supervisor's or SRRO's efforts are not successful, a referral may be made to CEI for facilitated resolution. The individual may also choose to report the matter directly to CEI. Matters reported directly to CEI may be resolved through facilitated resolution before referral to an investigation. Facilitated resolution requires that all parties engage in the process. CEI may determine that facilitated resolution is not appropriate depending on the circumstances. In most circumstances, facilitated resolution efforts should be completed within 30 College working days.

Some examples of facilitated resolution outcomes may include:

- **Apology** – on a “without prejudice” (i.e. without detriment to any existing right or claim) basis for any impact or harm caused by alleged discriminatory or harassing behaviour;
- **Education/Training** - for parties involved. In some cases, education and training can be conducted without a Respondent being specifically identified;
- **Changing work responsibilities/course schedule** - to minimize contact between a Complainant and Respondent where operationally feasible.
- A **Memorandum of Agreement (MOA)** – where the parties agree to resolve the matter and adhere to certain behavioural expectations.

**5.3 Formal Resolution (Investigation):** An Investigation appropriate in the circumstances may be conducted into complaints that are reported to CEI. If CEI decides to proceed with formal resolution, the Respondent shall be notified within fifteen (15) College working days. The Respondent shall be provided with the allegations and particulars of the complaint and advised of the procedure to be followed in the resolution of the complaint. All investigations will be conducted in accordance with principles of procedural fairness.

\* Note: As indicated in the chart in section 4.3, student to student matters will generally be resolved by SRRO in accordance with the Student Code of Conduct.

## **6. PRELIMINARY ASSESSMENT**

6.1 Upon receipt of a complaint, CEI may conduct a Preliminary Assessment to determine whether, at face value,

- the complaint is within the timelines set out in the policy;
- the action(s) complained of fall within the scope of the Policy;
- the complaint is within Sheridan’s jurisdiction;
- there is sufficient evidence to warrant an investigation;
- the actions complained of are, have been, or should be the subject of other complaint processes including criminal charges, the Human Rights Tribunal of Ontario, grievances and/or SRRO procedures;
- there are health or safety concerns that require immediate attention; or
- there is undisputed proof that the Policy has been breached in which case a determination is made without further investigation.

6.2. If the Preliminary Assessment determines that a complaint is, at face value, a matter of discrimination or harassment and/or demonstrates the existence of a Poisoned Environment, the appropriate resolution process in the circumstance will be initiated (i.e. Facilitated Resolution or Formal Resolution). The Complainant will be informed in writing of the outcome of any Preliminary Assessment. If a Complainant is not satisfied with the outcome of the Preliminary Assessment they may appeal the decision pursuant to the applicable Appeal provisions under section 13.

6.3 In the case of a Systemic Complaint of discrimination and/or harassment, CEI in consultation with the appropriate Vice President or College executive shall determine who will respond to the allegations on behalf of Sheridan or the Unit/Department.

## **7. INTERIM MEASURES**

7.1 In cases involving students, CEI will work with SRRO to identify and implement appropriate interim measures, pending the outcome of a resolution process. In the case of employees and others covered under this Policy, interim measures may be implemented, pending the outcome of a resolution process, by the supervisor or head of the department/unit on the advice of CEI. Interim measures may include but are not limited to:

- limiting access to Sheridan services and facilities;
- making arrangements for alternative supervisory relationships, teaching or grading; or
- discontinuing contact between the Complainant and the Respondent during the period of the resolution process.

7.2 Interim measures may be deemed necessary when CEI determines that:

- an individual poses a safety risk;
- the continued proximity of the parties will impair the ability of any party or any other person to function in relation to studies or to work;
- there has been a reprisal or there exists the threat of reprisal.

### **7.3 Impact of Interim Measures**

- Interim measures shall not be construed as discipline or as a finding of a violation/no violation of the Policy
- Where a student Respondent (or Complainant, if appropriate) is excluded from one or more of their classes, or an internship/placement site, the student's studies will be supported, to the point of undue hardship, pending the outcome of the resolution process.
- An employee Respondent (or Complainant, if appropriate) who is placed on alternate or home assignment will be supported without loss of wages and benefits.

## **8. INVESTIGATION PROCESS**

### **8.1 Appointment of Investigator**

As part of the Formal Resolution process, CEI may appoint a qualified internal or external Investigator, or a team of Investigators, as appropriate under the circumstances, and may modify the scope of an investigation in consultation with the Investigator.

8.2 In determining whether to appoint an internal or external Investigator, CEI will consider the severity of the allegations, the number of parties involved, the severity of the sanctions that may occur in response to the reported allegations, and/or the appearance or existence of bias by CEI or other Sheridan employees.

8.3 Complainants and Respondents may challenge the appointment of an Investigator on the grounds that the individual has a potential conflict of interest in the outcome of the matter, that there is a reasonable apprehension of bias on their part, or that the Investigator does not have the training or qualifications to conduct the process.

8.4 Upon receiving a challenge to the appointment of an Investigator, the Director of CEI will forward all documentation regarding the challenge to the Vice President, Inclusive Communities, who will consult with a Vice-President to whom the party does not report. A decision with regard to a challenge to the appointment of an Investigator will be made within five (5) College working days of having received the challenge. That decision will be final.

### **8.5 Procedural Fairness**

Complaints are investigated by interviewing Complainants, Respondents, and any Witnesses, and reviewing any available documentation. Every attempt will be made to interview the Complainant first. Usually the Respondent will be interviewed second because they have the right to reply fully to the allegations made against them and to name their witnesses. Interviews may then be arranged and completed with Witnesses and any other individuals who may have information pertinent to the investigation. All persons involved in the investigation process will be informed that they may seek assistance, support or representation from another person of their choice (who is not connected to the investigation), such as a union observer/representative, or other support person.

8.6 A Respondent is entitled to know the allegations against them and the particulars of the complaint, and to have the opportunity to respond in full. Likewise, statements made by a Respondent may be disclosed back to a Complainant.

## **9. EVIDENCE**

9.1 The Investigator will consider all information gathered and determine whether or not there has been a violation of the Policy.

9.2 The Investigator has the authority to access information and evidence relevant to the complaint, including but not limited to:

- Documents and Records (as defined by the *Records and Information Management Policy*)
- Information stored on telephone and computer systems (including hardware, software for which Sheridan is the licensee or owner, and file/data storage space in accordance with appropriate Sheridan protocols)
- Photographs and audio or video recordings (such as phone messages, or security camera video)

## **10. INVESTIGATION TIMELINE**

10.1 Efforts will always be made to conduct investigations in a timely manner, while also maintaining thoroughness and procedural fairness. An Investigation report should normally be completed within ninety (90) College working days after the commencement of the investigation. In the event the Investigation is not completed within ninety (90) College working days, the Complainant and Respondent will be notified of the delay and any extenuating circumstances that led to the delay.

10.2 The Investigator may set timelines for individuals to respond to requests for

interviews or for the production of relevant documents in an effort to ensure that the Investigation is completed in a timely manner, in compliance with the Policy and these Procedures.

## **11. INVESTIGATION OUTCOMES**

11.1 At the conclusion of the investigation, the Investigator will prepare a draft summary report that will be reviewed with each of the parties detailing:

- Allegations giving rise to the complaint;
- Grounds in the Policy that have allegedly been violated;
- Findings of fact; and
- One of four recommendations:
  - that the case be closed on the grounds that the complaint is not substantiated.
  - that a settlement be reached without the possibility of disciplinary action.
  - that procedures be initiated that could result in corrective or disciplinary action against the Respondent(s) for breach of the Policy.
  - that procedures be initiated that could result in corrective or disciplinary action against the Complainant on the grounds of a complaint that is frivolous, vexatious, malicious or made in bad faith/interferes with a process under the Policy.

11.2 The parties will be given five (5) College working days to provide feedback to the Investigator on the draft summary report.

11.3 CEI shall distribute a final report summary to the parties for their records.

## **12. FINAL REPORT**

12.1 Where the recommendation in a final investigation report includes any corrective or disciplinary action, the appropriate Vice-President, or other applicable senior leader, will determine whether any corrective or disciplinary action should apply, subject to any rights an individual may have under a Collective Agreement or contract with Sheridan, or under another policy or procedure. CEI may provide the final investigation report to the appropriate Vice-President, or other applicable senior leader, for any follow-up action, as appropriate.

12.2 Any individual who is found to have violated the Policy, including failing to properly participate in an investigation, may be disciplined up to and including dismissal, non-academic expulsion or debarment.

12.3 Disciplinary action for employees shall be determined by the appropriate Vice-President, or other applicable senior leader, in consultation with Human Resources, and in accordance with applicable Collective Agreements or contracts with Sheridan where relevant.

12.4 Corrective action for students shall be determined by the appropriate Vice-President, in consultation with the Vice President (Student Affairs), or other applicable



senior leader (e.g. Dean of Students or designate), in accordance with applicable policies and procedures where relevant.

12.5 The appropriate Vice-President, or other applicable senior leader, may work with the necessary departments (e.g., Human Resources, Student Affairs/SRRO or the Center for Professional and Organizational Development) to implement any corrective or disciplinary actions and manage the circumstances resulting from the investigation.

12.6 Where settlement without disciplinary action is recommended, CEI may consult with management in the affected area to conclude and effect the terms of that settlement.

12.7 Where a final report finds no breach of the Policy, the matter shall be considered resolved and no information shall be forwarded to Human Resources or Student Affairs, or kept in the official records of either of the parties.

12.8 Any relevant corrective or disciplinary action that has or will be taken as a result of an investigation may be relayed to the Complainant and to the Respondent in accordance with any relevant legislation, Collective Agreements, FIPPA (the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31) and other applicable information-sharing protocols, as necessary.

### **13. APPEALS**

13.1 An appeal of a Preliminary Assessment may be made to the Vice President, Inclusive Communities, or their designate, provided such appeal is made within thirty (30) days of the Complainant receiving the Assessment.

13.2 An Appeal of an investigation and its findings may be made in writing to the Vice President, Inclusive Communities, or their designate, within thirty (30) Sheridan working days of the submitting party having received the final report summary.

13.3 An Appeal of a Preliminary Assessment or of an investigation and its findings must include a statement of the reasons for a review and one or more of the following grounds for appeal:

- there was a fundamental procedural error;
- all factors relevant to the complaint were not reasonably considered;
- there was a failure to comply with applicable legislation; or
- relevant evidence emerged that was not available before the decision-making process was completed.

13.4 In the case of an Appeal of an investigation and its findings, the Complainant and Respondent will be informed that an Appeal has been filed and will be given an opportunity to reply if it appears that there are adequate grounds to review the investigation and its findings.

13.5 A panel of three impartial reviewers who are not familiar with the matter shall be appointed by the Vice President, Inclusive Communities to hear an Appeal, made on valid

grounds, of an investigation and its findings. Where the matter involves a student, the panel will include a senior administrative employee from Student Affairs.

13.6 The disposition of the Appeal will be communicated to the parties within twenty (20) College working days.

13.7 Nothing in the Procedure is intended to prevent an individual from appealing using alternate procedures, such as those found in a Collective Agreement, the Code, the OHSA, the Student Code of Conduct – Adjudication Process, or other court or tribunal process. In such cases, an Appeal under this procedure may be suspended until another chosen procedure has been completed, or it may be dismissed altogether.

#### **14. COMPLAINTS INVOLVING THE CENTRE FOR EQUITY AND INCLUSION**

14.1 A complaint against staff of CEI may be brought to the Office of the President who shall oversee the application of these procedures to the complaint.

14.2 Where appropriate, and the parties agree, an independent third party shall be appointed to attempt informal resolution between the parties.

14.3 Where formal resolution is required, the process for staff outlined in these Procedures shall be used and the Office of the President shall assume any responsibilities normally conducted by staff of CEI in relation to the matter and the parties involved.

#### **15. RECORD KEEPING**

15.1 CEI will retain documentation related to complaints in its secure file system for thirteen (13) years from the date that the file is closed.

15.2 Where a formal complaint has been substantiated against an employee, a record of any disciplinary action will be placed in the Respondent's personnel file in accordance with applicable Sheridan policies and/or collective agreements.

15.3 Where a formal complaint has been substantiated against a student, a record of any corrective action will be retained in the student's file, in accordance with any applicable policies.

15.4 Records may be protected by applicable privacy legislation and may be subject to disclosure under such legislation or by law.

#### **16. RELATED DOCUMENTATION/LINKS/FORMS**

- [Centre for Equity and Inclusion Inquiry Form](#)
- [Health and Safety - Workplace Health and Safety Duties and Responsibilities Policy](#)

- [Code of Professionalism and Civility](#)
- [Student Code of Conduct](#)
- [Student Code of Conduct - Adjudication Process and Appeals Procedure](#)
- [Accessibility Policy](#)
- [Occupational Health and Safety Act, RSO 1990, c. O.1](#)
- [Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.13](#)
- [Ontario Colleges of Applied Arts and Technology, Academic Employees Collective Agreement](#)
- [Ontario Colleges of Applied Arts and Technology, Support Staff Collective Agreement](#)
- [Ontario Colleges of Applied Arts and Technology, Part-Time Support Staff Collective Agreement](#)
- [Ontario Human Rights Code](#)
- [Sexual Violence Policy](#)
- [Sexual Violence Procedure - Employees](#)
- [Sexual Violence Procedure - Students](#)
- [Workplace Violence Policy](#)

# APPENDIX A

DISCRIMINATION AND HARASSMENT PROCEDURES: FLOWCHART

