



# COLLEGE OF THE NORTH ATLANTIC

## OPERATIONAL PROCEDURE

### TOPIC: HARASSMENT

<b>Procedure No.</b>	PO-005-PR	<b>Division</b>	President's Office
<b>Formerly</b>	HR-403-PR	<b>Board Policy Ref.</b>	BP-HR-403B
<b>Related Policy</b>	PO-005	<b>Effective Date:</b>	February 10, 2009 (R3)

### 1.0 Purpose & Scope

These procedures prescribe the means of dealing with formal allegations of harassment. The procedures ensure allegations of harassment are investigated promptly and that due process is followed. The procedures also ensure that, to the extent possible, the parties to an allegation of harassment are afforded every opportunity to employ alternative dispute resolution services as an alternate means of resolving the matter.

These procedures apply to all officers, employees, students, guests, vendors and clients of College of the North Atlantic.

### 2.0 Procedures for Investigating Allegations of Harassment

Subject to those procedures prescribed in a relevant collective agreement and/or other related College of the North Atlantic policies and procedures, the following procedures shall apply:

#### 2.1 Complaints

- A. A person who has reasonable grounds for believing that a person has contravened the Harassment Policy may file a written and signed complaint with a Manager. Where necessary, a complaint may be filed in any other form that meets the communicative needs of the complainant. In such cases, the Manager shall prepare a written complaint on behalf of the complainant.

- B. A complaint made under subsection 2.1 (A) shall be made within 6 months after the alleged contravention or, in the case of a continuing contravention, within 6 months after the last incidence of the alleged contravention.

## 2.2 Investigation

- A. Where a complaint is filed with a Manager, the Manager, or a person designated by the Manager, shall investigate the complaint and, subject to subsection 2.2 (G), complete the investigation within ten (10) working days of receipt of the complaint.
- B. Before an investigation is started under subsection 2.2 (A), the Manager shall give notice of the complaint and of the start of an investigation of the complaint to the person against whom the complaint is made (the respondent).
- C. Before an investigation is started under subsection 2.2 (A), the Manager shall inquire whether the complainant and the respondent wish to avail of alternative dispute resolution services. If both parties agree, the parties shall be referred pursuant to subsection 2.2 (F) and (G) below.
- D. Within five (5) working days of the completion of an investigation, the Manager shall make a report to the appropriate Executive member who may determine whether or not to refer the matter to a panel of inquiry. The Executive member shall make the determination to refer or not to refer the complaint within ten (10) working days of receipt of the report.
- E. Where the Executive member declines to refer a complaint to a panel of inquiry, the complainant may apply to the President for an order that the Executive member refer the complaint to a panel of inquiry. An application for an order under subsection 2.2(E) shall be made within 30 days of the receipt by the complainant of notice that the Executive member has declined to refer the complaint.
- F. Notwithstanding all of the foregoing, a Manager or Executive member may, at his or her discretion and at any stage of the investigation, stop the investigation and refer the complaint, the complainant and/or the respondent to a designated third party for advice, mediation and/or possible settlement. Under no circumstances shall such a referral delay proceedings more than ten (10) working days.

- G. Where a referral, pursuant to subsection 2.2(F), does not result in a settlement, the Manager or Executive member may reopen the complaint and proceed with the investigation of the complaint.

### 2.3 Powers of Investigation

The Manager, or a person appointed or designated by the Manager, may, at all reasonable times, so long as it is reasonably necessary to determine compliance with these procedures, enter any College owned or operated building, facility, office or related premises:

- A. To inspect, audit and examine records and documents; or
- B. To interview individual(s) occupying or in charge of that College building, facility, office or related premises and the individual(s) shall:
  - 1) Answer all questions concerning those matters put to them; and
  - 2) Produce for inspection the records, documents, material requested by the Manager or a person appointed or designated by the Manager.

### 2.4 Settlement

- A. Where a Manager, or a person designated by the Manager, effects a settlement of a complaint he or she shall report the settlement to an Executive member. The Executive member shall respond, indicating approval or otherwise, within ten (10) working days of receipt of the settlement report.
- B. Where the report referred to in subsection 2.4(A) is approved by an Executive member, the Manager shall notify the parties that no further action will be taken with regard to the complaint unless the terms of a settlement are not complied with.
- C. Where the terms of a settlement referred to in subsection 2.4(A) or 2.4(D) are not complied with, an Executive member may reopen the complaint and proceed as if a settlement had not been effected.
- D. A complaint shall be considered settled for the purpose of this policy only if an Executive member approves the settlement and agrees to its terms.

2.5 Reference to a Panel of Inquiry

- a) Where an Executive member refers a matter to a panel of inquiry duly constituted by the President or where the Executive member is directed to refer a matter to a panel of inquiry duly constituted by the President, the panel shall hear the matter.
  
- b) Where the Executive member refers a matter to a panel of inquiry, the Executive member will notify any other Executive member that may have an interest in the proceedings. The Executive member will also keep the other effected parties informed of the progress and results of the investigation.

Approval History	
Approved by President	March 2, 1998
Revision 1	December 18, 2007
Revision 2	March 25, 2008
Revision 3	February 10, 2009
Next Review	February 2014