



COLLEGE OF THE NORTH ATLANTIC

OPERATIONAL POLICY

TOPIC: HARASSMENT

Policy No.	PO-005	Division	President's Office
Formerly	HR-403	Board Policy Ref.	BP-HR-403B
Related Procedure	PO-005-PR	Effective Date:	February 10, 2009 (R1)

1.0 PURPOSE AND SCOPE

This policy confirms the right of all College of the North Atlantic officers, employees, students, guests, vendors and clients to pursue their work, studies and related activities in an environment free from harassment.

The policy applies to all officers, employees, students, guests, vendors and clients of College of the North Atlantic. The policy applies in all College owned or operated property and facilities.

2.0 POLICY

It is the policy of the College that all officers, employees, students, guests, vendors and clients of the College of the North Atlantic are free to pursue their duties/studies and related activities in an environment free from harassment.

2.1 Definitions

For the purposes of this policy, harassment shall include any of the following:

Sexual Harassment	Sexual harassment is harassment of a sexual nature including sexual comments, gestures, or physical contact that the individual knows, or ought reasonably to know, to be
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unwelcome, objectionable or offensive. Harassment of a sexual nature is unsolicited, one-sided and/or coercive.

Discriminatory Harassment

Discriminatory harassment is based on race, religion, religious creed, age, sex, sexual orientation, marital status, family status, physical or mental disability, political opinion, colour, or ethnic, national or social origin that is directed at, is offensive, undermines performance, and/or threatens an individual's economic livelihood. This definition does not include discrimination short of harassment where there is a good faith requirement or justification for the behaviour or where the behaviour falls within an exception recognised by the Newfoundland and Labrador *Human Rights Code*.

Personal Harassment

Personal harassment occurs when an individual uses his/her authority or position to undermine, sabotage or otherwise adversely affect the career or program of another person. It includes repeated, but is not limited to, repeated offensive comments and/or actions which demean and belittle an individual and/or cause personal humiliation. It may also include intimidation, threats, blackmail, coercion and/or the filing of frivolous and/or vexatious claims of wrongdoing. It applies to abuse of authority or position in the distribution of work assignments or training opportunities, the grant of promotional opportunities, the completion of performance evaluations, the provision of references, and the unjustified favouring of one employee or student to the disadvantage of another.

2.2 Retaliation and Frivolous Claims Prohibited

Reprisals, retaliation or threats of reprisals against anyone pursuing his or her rights under this policy for having participated or cooperated in an investigation for having been associated with someone who has pursued rights or participated in the procedures, or for having in any other role or capacity under this policy, are prohibited.

False, frivolous or vexatious claims of harassment are similarly prohibited.

2.3 Confidentiality

Information collected pursuant to a harassment complaint is deemed confidential information and as such it shall not be:

- a) Used for personal gain or advantage;
- b) Disclosed to any person(s) who is not a party to the complaint; or
- c) Caused to be so used or disclosed.

Persons who participate in the investigation of complaints can expect that any information provided by them will be communicated to all those who are a party to the complaint and/or as required by law.

All parties (including all those who are questioned or who have been requested to submit information or documentation in connection with an investigation) are prohibited from discussing the investigation, except with a legal or similar advisor.

3.0 PROCEDURE

The President shall ensure that appropriate operational procedures are in place. Without limiting the generality of the foregoing, such procedures shall ensure allegations of harassment are investigated promptly and that due process is followed.

Except where all parties to a complaint agree, the investigation and determination of a harassment complaint shall not exceed three months in duration.

4.0 COMPLIANCE

Failure to comply with this policy may result in disciplinary action being taken against the offending party.

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