



## PSYCHOLOGICAL HARASSMENT POLICY

### 1. DATE

Adopted by the Board of Governors on May 25, 2021.

### 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;
- build awareness in the College community of the kinds of behaviours that constitute harassment;
- comply with the Act Respecting Labour Standards and the Charter of Human Rights and Freedoms;
- define roles and processes to address allegations of misconduct;
- guarantee timely and coordinated responses to disclosures and reports of harassment.

### 3. SCOPE

This policy applies to:

- all College-sanctioned activities, whether employment-related, academic, recreational, 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 when that 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.

**Employee:** faculty, staff, professionals, managers and interns employed by the College.

**Harassment:** as defined by the Act Respecting Labour Standards:

- is any vexatious behaviour in the form of hostile or unwanted conduct, verbal comments, actions or gestures, including through technological means, which affects a person's dignity or psychological or physical integrity and which results in a harmful environment;
- can occur repeatedly or in a single serious incident that has a lasting harmful effect on the individual;
- can occur between people of any status, regardless of whether there is a power differential between them;
- can include vexatious behaviour of a sexual nature in the form of hostile or unwanted conduct, verbal comments, actions or gestures. In such cases, the Sexual Violence Policy will apply.

Discrimination on any of the grounds listed in section 10 of the Quebec Charter of Human Rights and Freedoms may also constitute harassment: "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 individual selected by the Director General to receive disclosures and reports.

**Policy:** the Psychological Harassment Policy.

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

## 5. ROLES AND RESPONSIBILITIES

5.1. All members of the Marianopolis community are expected 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.

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 services;
- ensuring that reports of harassment are handled by the appropriate person.

5.3. The Director General is responsible for ensuring that:

- this policy is applied correctly, consistently and fairly;
- appropriate training and support is provided, notably for persons handling reports;
- awareness-raising and preventative measures are implemented for all members of the community.

## 6. RESPONDING TO DISCLOSURES

6.1. Following an incident that is perceived to be harassment, the complainant is encouraged to disclose the situation and discuss any questions regarding harassment with the on-campus resource person. The complainant may attempt to resolve the situation by informing the alleged harasser that their behaviour is unwanted and asking them to stop. 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.

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

- 6.2.1. provide a private space where the disclosure can be made;
- 6.2.2. inform the complainant of and facilitate their access to appropriate College services where support and accommodations, including immediate and/or short-term measures, are warranted;
- 6.2.3. inform the complainant of, and facilitate their access to, appropriate services outside the College;
- 6.2.4. take measures to ensure confidentiality to the extent possible for the complainant and for the person(s) implicated;
- 6.2.5. explain the process of making a report to the complainant;
- 6.2.6. 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;

- 6.2.7. respect the complainant's decision to discontinue their involvement in any process associated with a disclosure at any time.

## 7. RESPONDING TO REPORTS

- 7.1. A report may be filed up to two years following the last occurrence of possible harassment.
- 7.2. Reports should be submitted to the on-campus resource person who shall see to it that the report is handled by:
  - 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 involves students and occurred within the context of a course;
  - the Director General, the Academic Dean, or the Senior Director, Finance and Administration if the situation involves an employee and occurred outside the context of a course;
  - the Director General if the situation involves the Academic Dean, the Senior Director, Finance and Administration or the on-campus resource person;
  - the Board of Governors Chair if the situation involves the Director General;
  - the Chair of the Nominating Ethics and Governance Committee if the situation involves a member of the Board of Governors.
- 7.3. The person handling the report will:
  - 7.3.1. meet with the complainant and take note of any additional details of the situation as well as any actions taken by the complainant to try and resolve it;
  - 7.3.2. depending on the circumstances, take measures to put a stop to the unwanted behaviour;
  - 7.3.3. take all appropriate measures to ensure confidentiality for the complainant and the person(s) implicated;
  - 7.3.4. take all appropriate measures to protect the complainant from reprisal or threat of reprisal;
  - 7.3.5. depending on the circumstances, offer an opportunity for mediation between the complainant and the person(s) implicated; an external resource person may be designated to mediate;
  - 7.3.6. if the circumstances rule out mediation or if mediation fails, arrange for an investigation; an external resource person may be designated to conduct an investigation and prepare a file of their findings to be shared with the person handling the report;

- 7.3.7. give the complainant reasonable periodic updates about the status of the investigation;
  - 7.3.8. once filed, a report may only be withdrawn by the complainant;
  - 7.3.9. in a case of a conflict of interest, real or perceived, provisions of the Code of Employee Conduct will apply.
- 7.4. The investigation must be concluded within 90 days from the date when the complainant files the report, unless extended because of a mediation process or by request of the investigator. However, such an extension shall in no circumstances exceed 60 days.
- 7.5. If, following the investigation, harassment is not deemed to have taken place, given potential civil action, all materials related to the investigation will be sealed and retained by the person handling the report for three years and then destroyed.
- 7.6. 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.

## 8. IMPLEMENTING, REVIEWING AND REVISING THE POLICY

The policy will be reviewed one year after its initial implementation, then every five years thereafter or at the request of the Director General. The review will be conducted through the Office of the Director General. The Board of Governors will approve the policy and any revisions thereto.

## 9. 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 handbooks and/or collective agreements

## 10. OTHER RESOURCES

- [Commission des normes, de l'équité, de la santé et de la sécurité du travail \(CNESST\)](#)