

NIPISSING UNIVERSITY STUDENT UNION



Workplace Violence, Discrimination and Harassment Policy

Approved by the Board of Directors on: May 16th, 2022

I. PREAMBLE

This policy outlines the legal, moral and social responsibility that the Nipissing University Student Union (NUSU) has to create a safe and healthy workplace free of violence, discrimination and harassment for its hired and elected employees, volunteers, members, and those who come into contact with the individuals the aforementioned positions.

NUSU does not tolerate or condone workplace violence, discrimination or harassment in any form by anyone associated with NUSU, from employees to student members. It is the responsibility of Executives and employees, especially those in managerial positions, to contribute to a safe and healthy work environment free of harassment, and to report any incidences of violence, discrimination and/or harassment as they may occur.

II. TERMS & DEFINITIONS

1. **Complainant** is an individual who files a complaint alleging a violation of the NUSU Workplace Violence, Discrimination and Harassment Policy.
2. **Complaint** is a formal written report of the incident(s) of workplace violence, discrimination, or harassment within NUSU, submitted in writing.
3. **Discrimination** is any action that denies or has the effect of denying any goods, services, benefits, opportunities and/or facilities provided by NUSU and can take the form of oral, written, electronic and/or non-verbal actions.
 - a. Promotes disrespect or intolerance for any person(s) based on the ground of discrimination as outlined in the *Ontario Human Rights Code*, including:
 - i. Age;
 - ii. Ancestry;
 - iii. Citizenship;
 - iv. Colour;
 - v. Creed;
 - vi. Disability;
 - vii. Ethnic origin;

- viii. Family status;
- ix. Gender expression;
- x. Gender identity;
- xi. Marital status;
- xii. Place of origin;
- xiii. Race;
- xiv. Religion;
- xv. Receipt of public assistance;
- xvi. Records of offences;
- xvii. Sex (including pregnancy and chestfeeding); and
- xviii. Sexual orientation.

- b. Exceptions may be given to those where grounds may interfere with legitimate requirements of employment.
4. **Domestic Violence** is the deliberate and purposeful violence, abuse and intimidation that is perpetrated by one person on another in an intimate relationship. It occurs between two people when one person has power over the other causing fear and physical and/or psychological harm.
- a. Domestic violence may occur in the workplace where two persons work in the same space, or if the perpetrator enters the workplace of the other.
5. **Harm** is the physical, emotional, and/or psychological damage or injury to one's health.
6. **Hazard** a potential form of harm or adverse effect. This includes:
- a. To people, in terms of their health;
 - b. To organizations, in terms of equipment loss; and
 - c. To the environment.
7. **Interim Measures** are actions put in place to safeguard the work environment of NUSU employees or members who are involved or affected by a complaint.

These are temporary measures that can include accommodations, proceedings, support and/or actions.

- a. Interim measures shall not be construed as evidence of guilt against a complaint. Nor shall they be construed as an affirmation of innocence against a complaint.
8. **Investigators** are the investigating members of an external third-party group that has been chosen to conduct an investigation into a formal complaint.
 9. **Respondent** is a person who an allegation has been made against through the process of a formal complaint.
 10. **Sexual Assault** is any unwanted sexual act or touching done by one person to another. This includes any unwanted or coerced touching of a sexual nature, including, but not limited to:
 - a. Kissing;
 - b. Fondling;
 - c. Oral sex;
 - d. Penetration; and/or
 - e. Intercourse.
 11. **Workplace Environment** is any surrounding condition in which an employee or volunteer operates under the jurisdiction of NUSU, this can include, but is not limited to:
 - a. The NUSU Student Centre
 - b. Nipissing University campus
 - c. Online Work-Related Areas (ie. Zoom)
 - d. Online Work-Related Social Media
 - e. Work-Related Socials
 - f. Community gatherings or events on behalf of the workplace

12. **Workplace Harassment** is engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known, to be unwelcome.
13. **Workplace Racial/Ethnic/Religious Harassment** is a course of vexatious comment or conducts against a worker in a workplace on the basis of the person's race, creed, colour, place of origin, ethnic origin, citizenship and/or ancestry, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.
14. **Workplace Sexual Harassment** is engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome or; also includes
 - a. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
15. **Workplace Violence** is injury or harm caused, or that could be caused to a worker in the workplace, including but not limited to:
 - a. The exercise of physical force by a person against a worker, that causes or could cause physical injury to the worker;
 - b. An attempt to exercise physical force against a worker, that could cause physical injury to the worker;
 - c. A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical harm to the worker

III. POLICY TRAINING AND REVIEW



1. NUSU will educate all new members of the organization, including employees (hired and elected) and volunteers, on their rights and responsibilities in their roles as it relates to this policy
2. In addition to the mandatory Workplace Violence and Harassment training that is required by the Government of Ontario, NUSU will ensure that employees are given the opportunity to receive additional training through workshops and webinars on the topic.
3. This policy will be reviewed annually by the NUSU Governance Committee in accordance with the outlines in the *Occupational Health and Safety Act*.

IV. DENIAL OF SERVICE

1. NUSU recognizes the right of its employees to refuse service to individuals who behave in a hostile, aggressive and/or abusive manner, or those who violate NUSU's policies related to violence, discrimination and harassment, by following the outlined procedures:
 - a. If the actions of the individual pose a threat to the health and safety of others, employees should take reasonable steps to notify their supervisor or member of the Executive Committee.
 - b. An employee that refuses service to an individual will need to provide a written record of the incident to both their supervisor and the Executive Committee within two (2) working days. This written record should include the date, time, location of the incident and full disclosure of the circumstances that transpired that led to the denial of service, and a list of witnesses if possible.
 - c. A meeting with the employee, their supervisor and a member of the Executive Committee shall occur as soon as possible after the incident, to discuss the circumstances that lead to the denial of service, identify strategies to be used in the future for similar situations, initiate any solutions and see if other administrative members of the campus community need to be aware of the incident.

V. NO VIOLENCE, DISCRIMINATION AND HARASSMENT

1. As outlined in Section One of this policy, violence, discrimination and/or harassment of any kind will not be condoned at the Nipissing University Student Union with respect to any volunteer, employee or applicant that is seeking to be an employee with NUSU. Acts of discrimination, harassment, racial/ethnic/religious harassment, sexual harassment, sexual assault and/or violence that occur in the workplace are grounds for an investigation that could result in the respondent being reprimanded or terminated if found guilty.

V. COMPLAINTS

An employee or volunteer who alleges that they have been subjected to violence, discrimination or harassment in the workplace may submit a formal written complaint to the NUSU President and Vice-President, Advocacy & Awareness. Should the President or Vice-President, Advocacy & Awareness be involved in the incident(s), the complainant shall submit the complaint to the individual who was not involved in the incident, or to other members of the Executive Committee who are not involved.

1. The employee or volunteer may request that contact with the respondent be discontinued during the period in which the complaint is being investigated. Upon this request, the direct supervisor shall ensure that such separation occurs. The individual requesting separation shall receive no penalty or interference in their working conditions.
2. Upon receipt of the complaint, the investigating member(s) of the Executive Committee shall make the educated judgment on if this incident requires legal advice or the involvement of an external third party investigator (which is not Nipissing University).

VI. INVESTIGATING COMPLAINTS

1. Within three (3) working days of receiving the complaint, the investigating member of the Executive committee and the employee's supervisor shall meet with the complainant in regards to the issue. After which, the investigating members of the Executive committee shall meet with the respondent to discuss their involvement in the incident(s). The investigating Executive Committee will

also meet with witnesses, if applicable, and discuss their observations of the incident(s). Upon completing this, if required, the investigating members of the Executive Committee may meet again with the complainant and respondent separately for follow-up questions.

2. The investigation process shall take no longer than fourteen (14) working days unless otherwise agreed upon by the parties complainant and the investigating members of the Executive Committee. The Investigating members of the Executive Committee shall then decide what actions shall be taken based on the findings of the investigation. The complainant and respondent shall be notified in writing within three (3) business days after the investigation ends what the decision was.
3. Whenever possible proceedings and results shall be kept in the strictest of confidence.