

OPIRG Peterborough Harassment Policy

1. PREAMBLE

The Peterborough Ontario Public Interest Research Group (OPIRG Peterborough) recognizes its responsibility to provide its Board members, staff, volunteers and other members with an environment which is safe and free from harassment.

Each Board member, staff person, volunteer and member shall commit to creating and sustaining an environment which is safe and free from all forms of harassment. The Board of Directors shall commit to acting swiftly and effectively to protect the members and staff of OPIRG Peterborough from harassment.

Any harassment which affects the environment of OPIRG Peterborough and any Board member, staff person, volunteer and member found guilty of a complaint of harassment shall be disciplined in accordance with the *Complaints Protocol*.

2.0 DEFINITIONS

For the purpose of this document, the following definitions will apply:

Discrimination: Discrimination is any practice or action which makes distinctions between people and which denies, or has the effect of denying any services, benefits, opportunities, or access to facilities, provided by OPIRG Peterborough, on the basis of: sexual or gender orientation, racial group, political or religious affiliation, age, colour, place of origin, ethnic origin, record of offenses, citizenship, ancestry, marital status, family status, place of residence, Acquired Immune Deficiency Syndrome (AIDS), AIDS-related illness, AIDS-related Complex (ARC), positive Human Immune Deficiency Virus (HIV) test status or any other illness, disability, union membership, advocacy activity, physical or mental ability, culture, language or financial status. It also includes any act of communication whether oral, written, electronic or non-verbal which promotes disrespect or intolerance for any person(s) based on the above. There are two types of discrimination – direct and systemic. Direct discrimination exists when an act of discrimination is directed at an individual or group as a specific action. Systemic discrimination is the perpetuation of policies or attitudes that either seek to discriminate or fosters an unwelcome environment.

Ethnic: An adjective used to describe groups that share a common language, race, religion, or national origin. Everyone belongs to an ethnic group. The term is often confused with ‘racial minority’.

Racial Groups: A group of common ancestry, distinguished from others by physical characteristics such as colour of skin, shape of eyes, hair texture, or facial features. Nowadays, the term is used to designate the social categories into which societies divide people according to such characteristics. The term “racial groups” is also often confused with ethnicity. There are ethnic groups within racial groups.

Culture: The totality of ideas, beliefs, values, knowledge, habits, and a way of life of a group of individuals who share certain historical experiences. Culture changes occur continually and, as a result, often contain elements of conflict and opposition.

First Party: The person who has been accused of committing an action which may be defined as harassment as defined by this policy. The first party is the accused.

Second Party: The person alleged to be the recipient of harassing behavior. Also the person making the complaint in the case of second party complaints.

Third Party: A person who makes a complaint on behalf of a second party but who is not directly involved with the harassment.

Harassment: Harassment is the injurious use (either intentional or incidental) of any remark, gesture, behavior or contact which is (could be) construed as objectionable or offensive and is motivated by sexual or gender orientation, racial group, political or religious affiliation, age, colour, place of origin, ethnic origin, record of offenses, citizenship, ancestry, marital status, family status, place of residence, Acquired Immune Deficiency Syndrome (AIDS), AIDS-related illness, AIDS-related Complex (ARC), positive Human Immune Deficiency Virus (HIV) test status or any other illness, disability, union membership, advocacy activity, physical or mental ability, culture, language or financial status.

Forms of Harassment

Sexual Harassment: Is any behavior, comment, gesture or contact of a sexual nature that is (could be) considered objectionable or offensive. Conduct constitutes sexual harassment when:

1. Attention, including verbal harassment, of a sexual nature is objectionable; or
2. Acceptance of sexual advances is a condition of involvement in OPIRG Peterborough activities; or
3. Unwelcome sexual advances interfere with the recipient's work or create an offensive, intimidating or hostile working environment.

Gender Harassment: Shall be defined as offensive or objectionable comments; offensive or objectionable actions; a process of exclusion from that to which a person(s) has a right or privilege, which demean or belittle an individual(s) or cause personal humiliation, on the basis of sexual preference or gender, but which may not be sexually motivated.

Racial/Ethnic Harassment: Shall be defined as offensive or objectionable comments; offensive or objectionable actions; a process of exclusion from that to which a person(s) has a right or privilege, which demean or belittle an individual(s) or cause personal humiliation, on the basis of racial group, colour, place of origin, ethnic origin, citizenship, culture, language or ancestry.

Political harassment: Shall be defined as offensive or objectionable comments; offensive or objectionable actions; a process of exclusion from that to which a person(s) has a right or privilege, which demean or belittle an individual(s) or cause personal humiliation, on the basis of political activities, religious affiliations, record of offenses, union affiliations or advocacy

activities.

Character harassment: Shall be defined as offensive or objectionable comments; offensive or objectionable actions; a process of exclusion from that to which a person(s) has a right to privilege, which demean or belittle an individual(s) or cause personal humiliation, on the basis of disability, illness, HIV/AIDS related health issues, age marital status, family status, place of residence or financial status.

3. COMPLAINTS PROTOCOL

NOTE: In harassment cases which involve staff organized under CUPE local 1281, the Collective Agreement shall be considered the defining protocol for handling grievances (section 8.03 of the *Collective Agreement for OPIRG 1996 Version*). In any conflicts between this policy and the Collective Agreement, the Collective Agreement Takes precedence over this policy.

3.1 REPORTING COMPLAINTS

3.1.1 Second Party Complaints

Complaints of harassment may be made to the Board during any regularly schedule Board meeting.

Complaints must be made as a written submission. The complainant does not need to be in attendance at the Board meeting. The complainant may if she/he chooses delegate a third party to bring to the complaint before the Board.

If the complainant feels that his/her safety or health is jeopardized, or if she/he is uncomfortable with approaching the entire Board, or if waiting for the next scheduled Board meeting will create an intolerable working situation, the complaint may be presented to the Board member holding the *Volunteer Liaison Portfolio*. If a complainant approaches a member of the Board at large that member will notify the Volunteer Liaison (VL) that a complaint has been lodged and the VL will call a Board meeting to initiate responses to the complaint.

If a Board member is named in a complaint, he/she will be instructed not to attend the Board meeting.

The Board is obligated to respond to the complainant within 5 working days of receiving the complaint.

Group complaints resulting from the consolidation of similar individual grievances seeking a common redress will be accepted by the Board and considered under this policy.

3.1.2 Third Party Complaints

A third party may initiate a complaint if they feel they have witnessed discriminatory actions against a second party. The third party registers the complaint in the same manner as outlined in

section 3.1.1 except that the Board will not be notified until:

- i) Second party has been notified at the third party's request.
- ii) The second party, having been notified, decides to take action in which case they must come forward and the complaints protocol procedure will be followed.

If the second party having been notified does not wish to take action, the initial third party complaint will be received but no further action will be taken.

3.1.3. Anonymous Complaints

A complaint will be received anonymously, however no formal disciplinary action will be taken unless the complainant decides to identify themselves. The Board member who receives and documents the complaint should make clear the options available to the complainant should they wish to pursue their case further.

3.2 CONTENTS OF COMPLAINT

The formal complaint must be in writing and must at least contain the following information:

- i) Full names of the first and second parties.
- ii) Dates, time, places, witnesses of incidents of harassment in as much detail as possible to provide a written record on which the complaints committee may base its actions.
- iii) Any requests for action the complainant would like to make to the Board in handling the complaint.

A file for complaints will be located in the office. Each complaint/case shall be sealed so that it remains confidential.

3.3 STEPS IN ADDRESSING A COMPLAINT

NOTE: Because time is a sensitive issue in harassment complaints these steps should be instituted as soon as a complaint has been presented at the Board meeting.

3.3.1 Meeting of Board

At the Board meeting during which the complaint is received a complaints committee shall be established to consider the complaint. The committee has the power to make final decisions and invoke discipline in the matter of the complaint.

3.3.2 Composition of Committee

The committee shall consist of no less than three and no more than five people. At least two committee members shall be members of the Board of Directors and at least one member of the committee shall be a neutral party. A neutral party may be contacted from: The Human Rights Office, Counselling Services or the Trent Ombudsman, or be suitable member of the community at large. No person affiliated with those named in the complaint or in a position of conflict of interest will stand on this committee.

3.3.3 Informed Accused

The accused first party shall be informed in writing that a complaint has been lodged against him/her within 5 working days of the Board's receipt of the complaint. She/he has the right to full disclosure of the written complaint.

3.3.4 Committee Acceptability by All Parties

The complainant and the accused shall be notified of the formation of the committee and its members within a reasonable time frame as determined by the committee. Both the complainant and the accused will have the right to request the removal of one person from the committee before the next step is initiated. A member of the committee not on the Board shall select an alternate committee member to replace the person(s) so removed.

3.3.5 Workplace Separation of First and Second Parties

The first action of the Board shall be to separate the accused and the complainant. Such action shall be taken without prejudice, in the interests or preserving the safety of OPIRG Peterborough members and the smooth functioning of the working environment. This separation will continue until the decision of the committee is made.

No communication is permitted between the first and second parties while an investigation is under way. Witnesses named in a complaint are encouraged to not discuss the details of the complaint.

3.3.6 Counselling

The Board may offer to provide counselling for either or both the first and second parties at their request. If such a request is made, the first or second parties will be referred to on-campus or community counselling services.

3.3.7 Individual Consultation with Committee

Within 5 working days after the complaint has been lodged the committee shall meet with the first and second parties separately to hear any further statements from each person and ask any questions relevant to making decision on how to proceed.

Depositions made to the complaints committee shall be considered confidential to the proceedings and made available solely to other Board members on a need to know basis.

A meeting with each party will be scheduled by the committee at a mutually agreed upon time. Should either party fail to attend their scheduled meeting with the committee, the committee shall proceed with the available evidence. The committee is responsible at this point for determining:

-the accuracy of the statements of each party,

-the severity, duration and consequences of the harassment,
-the probability of continued harassment and the safety and health of the complainant and other OPIRG Peterborough members.

3.3.8 Committee Decision and Recommendations

The complaints committee shall make its decision within 10 working days after individual consultations with the first and second parties and within that time inform the Board as a whole of its decision.

The committee will make known its findings to the Board including a decision as to whether the complaint is valid or not. The committee will also provide a recommendation as to the type of disciplinary action best suited to addressing the complaint.

3.3.9 No Consensus by Committee

If the committee cannot reach consensus about regarding the validity of a complaint or on a recommendation for disciplinary/non-disciplinary action, that committee shall be disbanded and a new committee struck. What action to take another committee shall be struck and both parties will be notified. The process shall commence again from article 3.3.2. If the second committee cannot reach consensus on the validity of a complaint or on a recommendation for disciplinary/non-disciplinary action, the decision shall be referred to the Board.

The Board will make a decision on the evidence available. If the Board as a whole cannot reach consensus on the validity of a complaint, no action, disciplinary or non-disciplinary can be taken against the second party. The Board may choose however to pursue projects that seek to educate the entire membership about harassment in a more general context.

3.4 Taking Action

Upon determination that a harassment complaint is valid and based on the recommendations of the committee, the Board may choose to follow two avenues of recourse: non-disciplinary or disciplinary actions. The Board may also choose to initiate programs which address systemic problems or raise awareness of harassment issues within OPIRG (eg. Holding an educational seminar or workshop on a related issues).

3.4.1 Non-Disciplinary Action

Non-disciplinary actions are meant to provide a supportive, educational framework for conflict resolution between members. While these actions may be included as part of disciplinary ruling, they are not disciplinary actions and their inclusion must be agreeable to all sides.

Non-disciplinary actions may include:

i) establishing a mutually agreed upon contract of behavior which addresses specific issues between the first and second parties. This does not require an outside mediator.

- ii) initiating conflict resolution processes between individuals using an outside mediator.
- iii) offering counselling to either the complainant or the accused.
- iv) continued separation of the two parties, including a re-location of their work space or re-scheduling hours.

3.4.2 Disciplinary Action

If a recommendation of a disciplinary action is made by the committee, some form of disciplinary action must be taken. Disciplinary actions may include:

- i) a letter to the offender on behalf of the Board.
- ii) letters of apology to the complainant.
- iii) mandatory counselling for the accused.
- iv) probation for the offender for any period of time longer than two weeks. This probation may be based on a contracted code of mandatory training, counselling or support.
- v) removal of the powers or responsibilities of the offender within OPIRG Peterborough, but with the demotion to another position.
- vi) dismissal of the offender from their membership or employment in the OPIRG Peterborough. Dismissed members shall be refunded their membership fees.
- vii) barring from the premises.

3.5 RESPECTING COMMITTEE DECISION

Failure to abide by the terms of the committee, disciplinary, or non-disciplinary, shall be dealt with severely by the committee and is grounds for further action. If actions of the accused could be considered illegal, the complainant will be advised that they might contact the proper authorities.

3.06 DOCUMENTATION

The decisions of the complaints committee shall be documented in writing, and copies shall be sent to the accused and the complainant. The committee shall also inform the Board of their decision.

A summary report, either registered or hand-delivered, of all actions taken, will be sent to the accused and the complainant. This should be signed by both sides.

3.07 APPEALS

No appeals of committee decisions will be heard. A new case may be made in light of new evidence.