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Harassment & Discrimination Policy

Purpose

ACATCM is committed to creating and providing a working and learning environment in which all students, staff, and faculty are treated with respect and dignity. ACATCM acknowledges the right of all individuals in the ACATCM community to work or learn in a positive, healthy and safe environment without discrimination or harassment because of personal characteristics protected by the Alberta Human Rights Act including race, color, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, gender, age, sexual orientation, political beliefs or criminal or summary conviction offence unrelated to their employment.

Nothing in this policy is intended to infringe upon academic freedom. The protection afforded by this Policy is subject to exceptions under the Alberta Human Rights Act.

ACATCM recognizes that, as an academic and free community, it must uphold its fundamental commitments to academic freedom and freedom of thought, inquiry and expression. Therefore, this policy will not be interpreted, administered or applied to infringe upon these freedoms. These freedoms, however, must be exercised in a responsible manner and are subject to limits prescribed under the Alberta Human Rights Act. Members of the ACATCM community, in exercising their academic freedom and freedom of thought, inquiry and expression, shall respect the rights and dignity of others, and not engage in actions that deny equality to, or harass others.

Scope

This policy applies to all ACATCM students, staff, faculty, administrators, and employees, as well as contractors, their employees and agents, and guests on campus. This includes those members of the community who are involved in the college's extension and off-campus programs, such as co-operative education, internships, clinicals, practicum and student teaching.

This policy applies to all members of the ACATCM community in their interaction with other members of the ACATCM community whereby the context of the interaction need not be college-related if the parties' primary relationship is through their mutual connection to the college.

Definitions

Complainant:

The party who brings forward an allegation of harassment or discrimination.

Respondent:

The party against whom an allegation of harassment or discrimination is made.

Complaint:

The complaint includes the initial or any subsequent complaint of harassment or discrimination and/or a complaint of retaliation.

Discrimination:

For the purposes of this Policy, discrimination means discrimination or harassment of a nature prohibited by the Alberta Human Rights Act in which an individual is judged or acted upon due to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, marital status, source of income, family status or sexual orientation. Discrimination may constitute a form of harassment and vice versa.

Harassment:

For the purposes of this Policy, harassment is an abuse of authority, or aggressive or threatening behaviour, where the abuse of authority or behaviour is directed at an individual because of one of the prohibited grounds as protected by the Alberta Human Rights Act. Harassment may occur between people of the same and different status within the college community, and both women and men may be the subject of harassment by members of either sex, regardless of the sexual orientation of any of them. Harassment may occur during one incident, or over a series of incidents which, in isolation, would not necessarily constitute harassment. Harassment may constitute a form of discrimination and vice versa.

Examples of behaviour which constitute discrimination or harassment include, but are not limited to:

- a. Creating an environment that is hostile, intimidating or offensive;
- b. Actions or written or verbal comments that could reasonably be interpreted as intending to humiliate, threaten, intimidate, blackmail, or coerce another person;
- c. Jeopardizing a person's job or undermining his or her work performance;
- d. Offering "perks" or threatening punishments to exert unwanted influence on another person;
- e. Directing derogatory or degrading remarks towards another person;
- f. Exerting unwanted physical force over another person;
- g. Assaulting or stalking another person;
- h. Displaying offensive material of a discriminatory nature;

Where the behaviour is directed at an individual because of that individual's race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, political belief, or criminal or summary conviction offence unrelated to employment.

Behaviours which constitute discrimination and harassment may be covered by this Policy if the act occurred:

- a. At the college;
- b. At a college-related social functions;
- c. In the course of work or study assignments outside the college;
- d. At work-related conferences or training sessions;
- e. During work or study related travel;
- f. Over the telephone;
- g. Over e-mail; or
- h. Elsewhere if the person harassed is there as a result of work-related responsibilities or a work-related relationship or if the behaviour has an adverse effect at the workplace or learning environment.

Sexualized Violence:

For the purpose of this Policy, “sexualized violence” is a spectrum of non-consensual sexual contact, behavior and violence. Examples include sexual harassment, sexual assault, sexual exploitation, criminal harassment, indecent exposure and voyeurism. Sexualized violence can be perpetrated by anyone – an acquaintance, classmate, professor, family member, colleague, supervisor/dean, non-academic staff, friend, past or current dating partner, intimate partner, or stranger. Sexualized violence can affect anyone, regardless of gender, race, class, dis/ability, citizenship, age, or size. Sexualized violence is outlined in the *Criminal Code of Canada*.

Sexual harassment:

For the purpose of this Policy, “sexual harassment” is one or a series of incidents involving unwelcomed sexual advances, requests for sexual favors, communications of a sexually oriented nature, actions that promote gender-based violence, behaviors or communications based on gender, cyberbullying and the distribution of unwanted personal material online, or verbal or physical conduct of a sexual nature:

- a. when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group of persons;
- b. when submission to such conduct is made either implicitly or explicitly a condition of employment or a condition of study;
- c. when submission to or rejection of such conduct by an individual is used as the basis for employment, or for academic performance, status or accreditation decisions affecting such individual;
- d. when such conduct has the purpose or the effect of interfering with a person’s work or academic performance or creating an intimidating, hostile, threatening or offensive work or study environment.

Sexual harassment is a type of sex discrimination and falls under the *Alberta Human Rights Act*. Sexual harassment may include, but is not limited to electronic communications: social media, text messages, email, sharing of images without consent, etc.

Examples of behaviour which constitute sexual harassment include, but are not limited to:

- a. Sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
- b. Leering;
- c. The display of offensive material of a sexual nature;
- d. Sexually degrading words used to describe a person;
- e. Derogatory or degrading remarks about a person’s sex or sexual orientation;
- f. Sexually suggestive or obscene comments or gestures;
- g. Distribution or publication of written material which could reasonably be interpreted to be sexually threatening or intimidating;
- h. Unwelcome sexual flirtations, advances, or propositions;
- i. Unwelcome inquiries or comments about a person’s sex life or spreading rumours about the same;
- j. Persistent unwanted contact or attention after the end of a consensual relationship;
- k. Requests for sexual favours;
- l. Unwanted touching;
- m. Verbal abuse or threats; and
- n. Sexual assault.

Sexual Assault

For the purposes of this Policy, “sexual assault” is any form of physical contact of a sexual nature without voluntary consent that is freely given and ongoing. It can include unwanted kissing, fondling, oral or anal sex, intercourse, or other forms of penetration, or any other forced or unwelcomed act of a sexual nature. Sexual assault can be committed by anyone including an intimate partner, someone known to the individual, an acquaintance, or stranger. Sexual Assault is outlined in the *Criminal Code of Canada*

Voluntary consent:

Voluntary Consent is the voluntary agreement to engage in a sexual activity and to continue to engage in the activity. An individual's consent can be withdrawn at any time. Consent as it relates to sexual assault is referred to in the *Criminal Code of Canada*. The College fully supports the right of every individual to have complete autonomy over their own body and recognizes the legal requirement of asking for and receiving consent before engaging in, and/or during any kind of sexual activity. A culture of consent requires that the person initiating the activity ask for consent, and that the only valid consent is freely given, not passive, silent, or coerced. Consent can be withdrawn at any time. Any sexual act carried out in the absence of consent is an act of sexualized violence.

What is Not Harassment

Harassment does not include:

- a. the right to direct the students or employees, including any reasonable day-to-day management or supervisory decisions involving (but not limited to) work assignments and job performance, job assessment and evaluation, just-cause disciplinary action and progressive discipline, attendance support programs, reference checks and criminal record checks, implementation of dress codes, organizational changes, workplace inspections and/or investigations;
- b. demands for academic excellence or a reasonable quality of work; or
- c. the reasonable expression of opinions, debate and/or critique of an individual's ideas or work that may be viewed as interpersonal conflict but does not meet the threshold of harassment based on prohibited grounds, sexual harassment and/or personal harassment.

Policy

ACATCM is committed to providing a safe campus environment that empowers students and community members to succeed and to professionally develop. Every person has the right to respect and dignity in an environment free from discrimination and harassment.

It is the responsibility of every staff, faculty, and student to create and foster an environment that is free from discrimination and harassment. All members of the ACATCM community are required to work together to behave in a respectful and collegial manner, and to address disrespectful or unproductive behaviour when it happens.

Each ACATCM member has a responsibility to maintain a discrimination and harassment free environment by striving to:

- a. Respect and value the diversity of people, values and beliefs represented;

- b. Preserve the dignity of others in all interactions;
- c. Act in a courteous manner at all times;
- d. Engage in communication that is solution-focused; and
- e. Collaborate with colleagues where appropriate.

ACATCM recognizes its moral and legal responsibilities to protect its students, staff, and faculty against sexualized violence.

It is critical that all members of the ACATCM community recognize the trauma that survivors of sexualized violence can experience and react to disclosures of sexualized violence in a mindful way so that they do not compound that trauma. This means that anyone coming forward to disclose sexualized violence must be treated with dignity and respect. Effective and respectful interventions require both the avoidance of re-traumatization and supportive policies and procedures to assist people with rebuilding their lives. They must also be informed and empowered to choose what support they require and when or decline the same.

Any time a Complainant comes forward to disclose sexualized violence; their needs must be the primary focus. A survivor-centred approach means giving the Complainant information about processes and supports, implementing measures to protect both their physical safety and their privacy, and maximizing their ability to choose how or if to disclose, report, and access support. A survivor-centred approach recognizes that events affect everyone differently and that the lived experience of the Complainant cannot be minimized. Therefore, only within this policy and protocol will the term “Complainant” be used to refer to a survivor of sexualized violence.

Recognizing the gendered nature of discrimination, harassment, and sexualized violence is critical to our support of survivors. Sexualized violence is predominantly perpetrated by cisgender men against women. We recognize that LGBT2SQ+ individuals are particularly vulnerable to sexualized violence, as are Indigenous women and women of colour, and people with disabilities. Everyone who experiences sexualized violence deserves equal respect and treatment at the College and is equally protected under this policy.

Members of the College community must share an understanding of the roles and responsibilities of each of us in preventing, recognizing, and responding to acts of sexualized violence. Education and awareness are key to developing this understanding and require an ongoing commitment from the College. ACATCM supports the prevention of sexualized violence and strives to educate and provide resources to the ACATCM community by making the following information accessible on the College website (as provided by the Government of Alberta):

- a. Ending Sexual Violence in Alberta Fact Sheet
- b. What is Sexual Violence: Definitions, who it affects, and myths about sexual assault
- c. Sexual Violence Prevention: Sexual Consent
- d. Sexual Violence Prevention: How you can help
- e. Sexual Violence: Getting Help
- f. Clare’s Law
- g. Increasing Safety for Indigenous Women and Girls: Action Plan and Support

The ACATCM also makes available to the ACATCM community “Sexual Violence Support Services”, available on our website (include link) and on College premises, as published by the government of Alberta, that include information for (See Appendix N):

- a. Sexual Assault Services
- b. Victim Services (Victim Support and Court Preparation)
- c. Health Concerns – Alberta Health Link

- d. Family Violence
- e. Addictions Helpline
- f. Mental Health Helpline
- g. Shelters
- h. Distress and Crisis Line

If a charitable, philanthropic, educational, fraternal, religious or social organization or corporation that is not operated for profit has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by a physical or mental disability or by a common race, religion, age, sex, marital status, political belief, colour, ancestry or place of origin, that organization or group must not be considered to be contravening this Policy because it is granting a preference to members of the identifiable group or class of persons.

It is not discrimination or a contravention of this Policy to plan, advertise, adopt or implement a program that

- a. has as its objective the amelioration of conditions of disadvantaged individuals or groups who are disadvantaged because of race, colour, ancestry, place of origin, physical or mental disability, or sex, and
- b. achieves or is likely to achieve that objective as can be the case in research.

Given the very nature of discrimination and harassment, questions of interpretation will arise in the application of this Policy. It is important to note that a harassing or discriminatory act can be unintentional, and still warrant action under this policy. Where the actions of an individual or group have the effect of harassing or discriminating against a member of the college community, whether intended or not, the “reasonable person test” may be used to determine whether they should have known that their actions were unwelcome and would cause harm to the member. It is the intention of this Policy, therefore, to adopt a “reasonable person test” standard in matters of interpretation and in the judgement, in particular cases, of whether harassment has occurred.

Confidentiality

Safeguarding confidentiality is central to creating an environment of security and respect, where Complainants feel safe to disclose and to seek support and accommodation. ACATCM is committed to securing such an environment. We are committed to keeping all parties informed when there is a situation where confidentiality may be lifted. All information collected as a result of a report made under this policy will be managed in accordance *The Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act* as applicable.

At all times, Complainants, Respondents, witnesses, and persons involved in resolving complaints under this Policy have the responsibility to maintain confidentiality. Nonetheless, Confidentiality must be balanced with the College’s legal obligations to address discrimination and harassment. Concerns for an individual’s health, safety, and security may compel the College to disclose information about complaints. As well, other measures, such as arbitrations, court proceedings or procedures under the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act* may require the disclosure of information about complaints. This confidentiality extends to any member of the ACATCM community who may be privy to information or who possesses documentation about a complaint or investigation. All participants to Harassment and Discrimination proceedings should be aware that unwarranted breaches of confidence, especially those related to false and malicious complaints, may be subject to charges of slander and libel. Unwarranted breaches of confidentiality by an employee may also result in discipline.

Confidentiality should not be confused with anonymity. Though members of the ACATCM community have the option of anonymous reporting to the College without having their identity revealed, the individual must also understand that the College may be unable to proceed with an investigation involving anonymous or third party allegations due to lack of evidence from the individual who was directly subjected to sexualized violence, or where the process would violate procedural fairness. However, where sufficient evidence exists, and procedural fairness is not violated, the College may decide to proceed.

Harassment and Discrimination Procedure

The implementation of this policy will be conducted based on the principles of fairness and due process for all parties involved. This means that the Respondent has the right to know the allegations against them in full details, and the right to reply to these allegations. It also means that anyone investigating a concern or complaint must endeavor to remain neutral and avoid allowing any personal bias to influence their decisions. Remedial or punitive actions resulting from the implementation of this policy will be based on evidence, and that evidence will be shared with the Complainant and Respondent.

This policy and procedure do not limit or amend related provisions of any collective agreement and is not intended to discourage or prevent someone from pursuing a complaint with the Alberta Human Rights Commission or any other legal avenues available.

No person will discharge, suspend, expel, intimidate, coerce, or otherwise retaliate against a person, because that person, whether as a witness, party or in any other role, participates in good faith in the procedures under this Policy. Any such reprisal will be considered harassment under this Policy, and any person who believes he or she has been subject to reprisal should immediately seek the assistance of the Dean of Students.

As the college has a responsibility to ensure the work and learning environment are free of discrimination and harassment, there are times when an investigation must be conducted even when no Complainant comes forward.

Complainants have the right to be protected from face-to-face encounters with the Respondent within any disclosure or report process.

The term "investigator" in this section is used to refer to either an internal investigator (normally the Dean of Students) or an external investigator, if applicable.

At the earliest stage of contact with the Complainant, the investigator will consider whether there needs to be interim measures put in place to safeguard the physical and psychological safety of all parties. This may involve sharing limited information with supervisors/faculty members or others so that the involved parties may be kept separate or other measures put in place.

Choice of Procedure

1. A Complainant who believes that she/he has a complaint of discrimination or harassment may want to consider discussing the complaint with the Respondent and to ask the Respondent to stop the offensive behaviour or to correct the action which resulted in discrimination or harassment, before taking any steps under this Policy.

2. If a Complainant chooses not to follow the process set out above (a) or if that process does not achieve a satisfactory result, the Complainant may consult with the Dean of Students.
3. The ACATCM recognizes that the survivor of sexualized violence should choose the person to whom they first disclose their experience. Disclosure occurs when the Complainant tells a member of the College community that they have experienced sexualized violence. A disclosure may not necessarily lead to a formal report. The Complainant can make a disclosure and request that no action be taken. Individuals may disclose an incident of sexualized violence to people in many different roles within the College community. With the permission of the individual, we encourage all students, staff, and faculty to refer any such disclosures or incidents immediately to Dean of Students. Should the Dean of Students not be available, the ACATCM community may refer to Vice-President of Academic Affairs.
4. Complaints should be brought forward at the earliest possible date to prevent further harm and to increase the chance of an early and positive resolution. A written complaint and request for either informal mediation or formal investigation should be submitted within six months of the date of the last alleged incident of harassment. Understanding extenuating circumstances may delay the reporting of concerns, members of the college community are encouraged to contact the Dean of Students or the Vice-President of Academic Affairs if they wish to file a complaint either within or beyond the 6-month time frame.

If the Complainant submits evidence that there is reasonable cause for an extension beyond the six months limit, the matter must be referred directly to the Vice-President of Academic Affairs or President. The Vice-President of Academic Affairs or President may exercise discretion in waiving the limitation period. However, the onus is on the Complainant to establish a reasonable and bona fide cause for the delay, and to show that waiver of the time limitation is in the best interests of justice.

1. The Dean of Students will discuss with the Complainant the complaint, this Policy and its procedures, and the courses of action open to the Complainant.
2. Informal complaints may be initiated by third parties, including the Dean of Students, but will not proceed through the informal or formal process without the consent of the person or persons alleged to have been harassed or sexually harassed.
3. Dean of Students will maintain confidentiality with respect to the informal process except where, in the opinion of the Dean of Students, disclosure of some or all of the particulars of a complaint to the President (or Chair of the Board of Governors) is required in order to protect the wellbeing and safety of members of the College community.
4. Complainants may choose to withdraw their complaint or resolve it through other means at any point in this procedure. Under some circumstances the College may find it necessary to continue with an investigation or to consider other action.

Compliant Options

1. After consultation with the Dean of Students, the Complainant may choose any of the following options:
 - a. Take no further action under this policy; or
 - b. Ask the Dean of Students to speak informally with the Respondent with a view toward reaching an informal resolution; or
 - c. Request formal investigation after submitting a formal complaint request with a view toward reaching a formal resolution.
2. Complainants have the right to determine whether and how much they choose to disclose or report about their experience, and to decide if they will initiate a formal report off campus to Police or RCMP, medical personnel or forensic medical examiner (hospital or emergency room), physician, and/or on campus to the College.
3. If the Complainant chooses to follow a procedure external to this policy, the Dean of Students will not commence an inquiry (nor continue an inquiry that has already commenced) while the external procedure is proceeding with the understanding that information from a third party may be requested to aid an investigation.
4. Where an informal agreement has been reached all parties will sign a statement of the terms of the resolution if applicable; in all cases the Dean of Students will ensure the resolution is documented in writing. Documentation of the resolution will be kept by the Dean of Students.

When a complaint is made, the Dean of Students will gather preliminary information to review the complaint and may decide not to proceed with either informal or formal resolution of the complaint where it appears that the complaint:

- a. Is not within the jurisdiction of the Policy;
- b. Is trivial, frivolous, vexatious, or made in bad faith;
- c. Has been delayed to such an extent as to be seen as vexatious;
- d. Is primarily an issue of interpersonal conflict;
- e. An issue of workplace bullying or harassment that would more reasonably be addressed by a manager or supervisor, or:
- f. Is being or has been fairly and satisfactorily addressed by a grievance under a collective agreement, the Alberta Human Right Commission or some other legal process. Under these circumstances the Dean of Students may decide to put the complaint in abeyance pending the outcome of another process.

Maliciously and deliberately making a false complaint under this policy or any other ACATCM college policy will be considered an act of harassment and will be treated as such. An unsubstantiated complaint is not by default a malicious or deliberately false complaint.

Complaints will be taken with serious and confidential focused attention. If the Dean of Students decides not to proceed with a complaint, the Complainant and, if appropriate, the Respondent shall be notified in writing of this decision and the reasons for the decision within 10 working days from the date of the refusal.

Procedures for Informal Complaints

1. Individuals who believe they have been subjected to behavior prohibited by this policy may submit an Informal Complaint to the Dean of Students. This may be done either orally or in writing although the Complainant must sign a brief statement indicating they are filing an Informal Complaint;
2. On receipt of the Informal Complaint, the Dean of Students shall initially attempt to resolve the complaint informally through any means the Dean of Students deems appropriate in the circumstances, including mediation, negotiation and conciliation;
3. The Dean of Students will normally have up to 2 months in which to resolve the complaint informally. This time period may be extended by the Dean of Students if there are unusual circumstances;
4. Individuals whose complaint is not resolved to the Complainant's satisfaction under an Informal Complaint may request in writing to proceed to the Formal Complaint and investigation process.

Procedures for Formal Complaints

1. Either a Complainant or a Respondent may file formal complaint, by written request, to the Dean of Students;
2. Where the complaint involves the Dean of Students, the Complainant may make the written request to the Vice-President of Academic Affairs;
3. If the complaint is made to the Dean of Students, the Dean of Students will inform the President, on the severity of the complaint. The President and the Dean of Students may work together to seek informal resolution;
4. Prior to the commencement of the formal resolution, the Complainant will provide the Dean of Students with the following information about the complaint in writing:
 1. The name of the Complainant
 2. The name of the Respondent;
 3. A summary of the incidents that constitute the complaint.
5. The written complaint must be signed and dated. A copy of the written complaint will be provided to the Respondent prior to the interview with the Respondent;
6. At any time during a Formal Complaint, either party may allege that there is a reasonable apprehension that the Dean of Students is biased:
 - a. Participation of the Dean of Students in an Informal Complaint does not, of itself, constitute grounds for finding a reasonable apprehension of bias;
 - b. The allegation and reasons must be submitted in writing to the Director of Finance and Human Resources and Vice-President of Academic Affairs who will make a determination. This determination is final and binding;

- c. In the event that a reasonable apprehension of bias is found to exist, the Director of Finance and Human Resources and Vice-President of Academic Affairs will appoint a designate to act in the Dean of Students place.
7. If the Dean of Students decides to proceed with a Formal Complaint, the Dean will forward all documents and evidence collected to date to the Vice-President of Academic Affairs;
8. The Vice-President of Academic Affairs will forward a copy of the complaint to the Respondent within 3 working days of that decision and invite a response. The Respondent will have 10 working days from receipt of the complaint to submit a written response to the Vice-President of Academic Affairs;
9. Within 3 working days of receipt of the written response from the Respondent, Vice-President of Academic Affairs will forward a copy to the Complainant. The Complainant will have 5 working days from receipt of the response to submit a written reply to the Vice-President of Academic Affairs, which will be forwarded to the Respondent within 3 working days;
10. Alternatively, the Respondent may choose not to participate in all or part of these procedures. In this case these procedures will continue without such input from the Respondent.
11. Once any submissions are completed, the Vice-President of Academic Affairs will proceed to a full investigation of the complaint. The Vice-President of Academic Affairs will interview the Complainant and the Respondent. The Vice-President of Academic Affairs will provide the Complainant and the Respondent with the opportunity to provide the Vice-President of Academic Affairs with any relevant documents and with the names of witnesses whom the Complainant and the Respondent believe have information that is relevant to the investigation. The Vice-President of Academic Affairs will decide whether to interview any particular witness(es);
12. Within 30 working days of receipt of the written complaint, response and reply, if any, the Vice-President of Academic Affairs will review the complaint and undertake all investigations considered necessary in order to prepare a written investigation report (“the Investigation Report”) which contains a summary of the facts, the evidence considered, the conclusion reached, and the findings with respect to Discrimination and Harassment. The Investigation Report will be provided to the Complainant and the Respondent with a copy to the Dean of Students. The Complainant and the Respondent will treat the report as strictly confidential.
 - a. The Investigation Report may, if appropriate, contain recommendations with regard to further action that should be taken including disciplinary action.
13. If either the Complainant or Respondent disagree with the findings or recommendations contained in the Investigation Report, within 5 working days of receiving the final Investigation Report, either party have the right to appeal the decision of the investigation as per our “*Dispute and Resolution Policy*”;

14. The Vice-President of Academic Affairs will forward the Investigation the President. If the investigation report makes recommendations, the President will consult concerning implementation;
15. If an Investigation Report finds that a complaint was clearly made in bad faith, the Vice-President of Academic Affairs will inform the President of that finding;
16. At the discretion of the applicable the President, any individual found to have submitted a bad faith complaint may face disciplinary measures.

Discipline and Remedies

The ACATCM takes corrective action respecting any person in the College community who subjects another to discrimination and/or harassment. These remedies or disciplines are meant to prevent further acts of discrimination and/or harassment and restore the working and learning environment to a positive, respectful space. The nature and severity of the behaviour determines the level of initial response. Repetition of the behaviour following clear communication that it is unwelcome adds to the severity of the response.

The Dean of Students may impose an appropriate sanction for the harassment or discrimination, may provide a remedy for the Complainant, or may exonerate the Respondent. Considerations affecting administrative action should include:

- a. The severity of the harassment or discrimination;
- b. Whether the harassment or discrimination was intentional or unintentional;
- c. Whether the offence is an isolated incident or involves repeated acts of harassment or discrimination;
- d. Any mitigating or aggravating circumstances.

Some possible responses to a finding of discriminatory/harassing behaviour may include penalties as outlined in our "*Student Behaviour Evaluation Policy*" and/or include the following:

- a. A written directive from the appropriate supervisor/administrator to the Respondent to cease the behaviour, with information about possible consequences should the behaviour continue;
- b. Education or personal development for the Respondent;
- c. A planned course or supervision and feedback for the Respondent by the appropriate administrator;
- d. A verbal or written apology from the Respondent to the Complainant;
- e. Counselling and/or coaching for the Respondent;
- f. Restricted access to a physical area of the college;
- g. Restrictions on attendance or participation in specific college activities;
- h. Removal from residence (if residence is applicable);
- i. Banning from campus;
- j. Suspension for a set period of time for students;
- k. Suspension with or without pay for a set period of time for employees;
- l. Expulsion for students;
- m. Dismissal for employees; or
- n. Cancellation of contract for contractors and suppliers of services.

The Dean of Students may order any remedy and/or sanction deemed just and appropriate. The range of sanctions may include but is not limited to dismissal, expulsion, suspension or public or private reprimand. The range of remedies includes, but is not limited to:

- a. Back pay;
- b. Restoration of benefits (e.g., salary, increments, promotions, fringe benefits, sick leave, shift changes);
- c. Compensation for humiliation (psychological and emotional stress, loss of self-respect and dignity);
- d. An apology (from the employer and/or the harasser);
- e. Transfer;
- f. Punish the harasser (discipline, discharge or expulsion, or a note on the academic record);
- g. Counselling services for the Complainant;
- h. Counselling and education services for the Respondent; or
- i. Costs and reassessment of academic work.

Allegations of discrimination and harassment, including sexualized violence, against contractors, their employees and agents, and guests on campus will be dealt with by the college as potential breaches of contract, and/or may result in suspension of college privileges, such as access to the campus.

All actions taken shall be recorded on the Respondent's personnel or student file (or Complainant's in the case of malicious or false complaint). The college shall share as much information about the remedial and/or disciplinary as is required to maintain the Complainant's ongoing physical or psychological safety, or to reduce the possibility of contact between the parties, while adhering to its obligations under the law, including the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act*.

Procedures for a Vice-President or President to invoke this Policy

The procedures in this section are to be considered in situations that meet the criteria below:

1. The Dean of Students is in receipt of multiple allegations of Discrimination or Harassment made against the same Respondent or Respondents;
2. There is no person or persons willing to file a complaint and appear as Complainant;
3. The Dean of Students determines that it would advance the goals of the Policy to address the allegations.

The procedures for Informal Complaints and Formal Complaints will be adapted as necessary to allow the process to continue without a named Complainant, but such adaptation will not jeopardize an individual's right to fair procedures.

Non-compliance

Following the principles of procedural fairness, the College may take action against anyone whose activities are in violation of the law or of this policy, as being in contravention would constitute discrimination or harassment.

The actions taken may include, but are not limited to:

- a. disciplinary actions for students under either the “*Student Behaviour Evaluation Policy*” on Student Academic Misconduct or Student Non-Academic Misconduct;
- b. disciplinary action for employees in accordance with the respective collective agreement, employee handbook and/or common law principles;
- c. legal action that could result in criminal or civil proceedings.

Nothing in this Policy is intended to limit ACATCM’s ability to address and/or discipline misconduct, or other inappropriate behaviour, in its role as an employer and/or pursuant to other ACATCM policies or procedures and/or collective agreements.

Review of Policy and Procedures

Every five years, the College will review this policy and seek input from stakeholders including student council, faculty, staff, and Directors as per our “*Periodic Review Policy*”. However, the operation of this policy and its procedures may be reviewed before the five-year period should the need arise for amendments

Related Policies

- Dispute Resolution Policy
- Student Behaviour Evaluation Policy
- Students Rights and Responsibilities Policy