



## **Anti-Harassment Policy and Procedures**

**[Effective April 15 , 2019]**

### **1. Policy Statement**

Seniors' College Association of Nova Scotia (SCANS) is committed to fostering a harassment-free environment where all employees, Volunteers, Instructors and members are treated with respect and dignity.

Nova Scotia's *Human Rights Act* protects employees from harassment based on age, race, colour, religion, creed, ethnic, national or aboriginal origin, sex (including pregnancy and pay equity), sexual orientation, physical disability, mental disability, family status, marital status, source of income, irrational fear of contracting an illness or disease, association with protected groups or individuals, political belief, affiliation or activity, gender identity and gender expression.

Harassment at SCANS is not tolerated. Employees, Volunteers, Instructors, Board Members and General Members who are found to have harassed another individual may be subject to disciplinary action, suspension of membership or expulsion from SCANS. This includes any person who retaliates against an individual for filing a Complaint.

All SCANS employees, Volunteers, Instructors, Board Members and General Members are expected to uphold and abide by this Policy by refraining from any form of Harassment, and by cooperating fully in any investigation of a Complaint.

### **2. Application**

This Policy applies to Sexual harassment and Workplace harassment occurring at the workplace, at programming delivered by SCANS, in the course of delivering SCANS programming, or during any activities which could reasonably be associated with SCANS.

This Policy applies to all SCANS employees, Volunteers, Instructors, Board Members and General Members.

### **3. Definitions**

- (a) **“Board Member”** means any member of SCANS who sits on the Board of Directors, including those directors who are appointed as officers of SCANS.
- (b) **“Complaint”** is an allegation of Harassment against a SCANS employee, Instructor, Volunteer or Board Member, in written or verbal form, in violation of this Policy, communicated through the procedures set forth in this Policy.

- (c) **“Complainant”** is a person who complains of a violation of this Policy, and includes a SCANS employee, Instructor (but not a Board Member), Volunteer (but not a Board Member), or General Member.
- (d) **“General Member”** means a member of SCANS with the exception of a Board Member.
- (e) **“Harassment”** means Sexual harassment and Workplace harassment.
- (f) **“Instructor”** means a person who teaches a course offered by SCANS.
- (g) **“Policy”** means this Anti-Harassment Policy and Procedures.
- (h) **“Sexual harassment”** means
  - (i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,
  - (ii) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
  - (iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.
- (i) **“Respondent”** is a SCANS employee, Instructor, Board Member or Volunteer alleged by a Complainant to have committed an act in breach of this Policy.
- (j) **“Retaliation”** is a threat or attempt to intimidate against any person for alleging a violation of this Policy, providing information relevant to a Complaint under this Policy, or participation in any process under this Policy.
- (k) **“Workplace harassment”** means any improper behavior that is directed at, and is offensive to, any SCANS employee, Instructor, Volunteer or General Member and which is known or ought reasonably to be known to be unwelcome. It comprises objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment.
- (l) **“Volunteer”** means any Board Member or General Member who serves as a volunteer in a position or on a committee described in the SCANS Policies and Procedures Manual.

#### 4. **Informal Resolution**

On occasion, Harassment can be dealt with directly and informally through communication with the person engaging in the unwelcome behaviour. Where a Complainant feels comfortable doing so, they should communicate a clear message to the Respondent that the conduct or comments are offensive or unwelcome. However, SCANS recognizes that there may be circumstances where direct communication is inappropriate. Although informal resolution is encouraged where possible, it is not a prerequisite to making a Complaint under this Policy.

Where a Complainant does not wish to bring the matter directly to the attention of the person engaging in the unwelcome behaviour or where such an approach is attempted and does not produce a satisfactory result, the Complainant should report the Harassment as outlined in section 5 below.

## **5. Making an Internal Harassment Report**

Harassment should be reported by the Complainant as soon as possible after experiencing the behaviour, but no later than within three months of the last incident of perceived Harassment, unless there are circumstances that prevented the Complainant from doing so. Delay in filing can hinder the conduct of an investigation. The President of SCANS shall have discretion in determining whether or not a Complaint filed after three months of the alleged incident will be investigated. In exercising this discretion, the President shall consider whether there is a strong factual case, the potential loss of evidence, the reasons for the delay in the Complaint being filed and the likelihood of prejudice to the other party in granting an extension.

A Complainant should report a Harassment incident to the Secretary of SCANS. Upon receipt of the Complaint, the Secretary shall notify the President. If either the Secretary or the President is the Respondent to a Complaint, the Complainant should report the Harassment incident to the Vice-President of SCANS. Complainants can report Harassment verbally or in writing. When reporting verbally, the SCANS Board Member receiving the report will document the report in writing.

The report should include the following information:

- (a) name(s) of the Complainant;
- (b) name(s) of the Respondent(s);
- (c) names of any witnesses or other persons with relevant information about the incident and their contact information (if known); and
- (d) details of what happened including date(s), frequency and location(s) of the incident(s); any supporting documents that the Complainant has which are relevant to this matter.

The SCANS Board Member receiving the report will advise the Respondent(s) in writing that a Complaint has been made against them. The letter will also provide details of the allegations that have been made against the Respondent.

All reports of Harassment shall be kept confidential except to the extent necessary to protect Complainants, to investigate the Complaint, to take corrective action or otherwise as required by law.

## **6. Investigation**

SCANS will ensure that an investigation appropriate to the circumstances is conducted when a report of Harassment is made. Reports of Harassment will be investigated in a fair, respectful and timely manner.

SCANS will attempt to resolve the Complaint through the process described below.

The President, or Vice-President in the absence of the President or if the President is a Respondent, will conduct the investigation. Depending on the allegations and the people involved, the investigation may be carried out by a Board Member designated by the President to conduct the investigation (the "SCANS Investigator"), or may be referred to an external investigator.

The SCANS Investigator will interview the Complainant, the Respondent and any individual who may be able to provide relevant information related to the Complaint.

Upon completion of the investigation, the SCANS Investigator will prepare a report that includes:

- (a) a description of the allegations;
- (b) a summary of findings of fact;
- (c) a decision about whether, on a balance of probabilities, Harassment did occur; and
- (d) next steps, if any.

Every effort will be made to resolve a Complaint within 30 days of receipt of the Complaint. The SCANS Investigator will advise both parties of the reasons why, if this is not possible.

The SCANS Investigator's report will be submitted to the President. Both parties to the Complaint will be given a copy.

## **7. Outcome of Investigation**

If the investigation reveals evidence to substantiate the Complaint, the President, or Vice-President in the absence of the President or if the President is a Respondent, will decide what action is appropriate, including referring the matter to an Ad Hoc committee of the Board of Directors. If the Respondent is on the Board of Directors, the Respondent must abstain from participating in any decision respecting the Complaint.

The Complainant will be provided with an appropriate resolution, which may include disciplining the Respondent. If discipline is warranted, it may include suspension or dismissal from employment or from a Volunteer or Instructor position, or suspension or expulsion of membership. The incident will be documented in the Respondent's file, if the Respondent is an employee of SCANS. No documentation concerning the incident will be placed in the file if the investigation fails to find evidence to support the Complaint.

All reports relating to a Complaint will be maintained on a confidential basis by the Secretary of SCANS, with other SCANS documents.

## **8. No Retaliation**

Regardless of the outcome of a Complaint made in good faith, there should be no Retaliation against anyone participating in a process under this Policy.

## **9. Privacy and Confidentiality**

All parties to a Complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a Complaint to those who need to know.

## **10. Record Management of Investigation Reports**

Investigation Reports shall be kept by the Board Secretary in a separate password protected electronic file that is accessible only by the Secretary. The Board Secretary shall sign an Oath of Confidentiality upon assuming office. When his/her term is up, the new Secretary will be sent the files electronically, and they shall be retained under the same conditions. Documents shall be retained for a period of seven years.

The Office Manager will keep a list of any members who have been expelled from the Seniors' College as a result of an Investigation Report. The Office Manager will check the names of all new and renewing members on the Registrar's list each term to ensure that members who were expelled are not readmitted. The Office Manager shall be required to sign an Oath of Confidentiality on the date that they are hired.

### **11. External Reporting Options**

Complainants also have external options to report Harassment. A Complainant may contact the Nova Scotia Human Rights Commission to make a complaint of Harassment, or may contact the police if they believe that criminal activity has occurred.