

<b>STATEMENT OF POLICY AND PROCEDURE</b>			
Title:	Prevention of Discrimination and Harassment in the Workplace	Effective	Nov 1, 2013
Department:	Human Resources		
Audience:	Tyndale Employees, Independent Contractors and Volunteers	Next Review :	Nov 1, 2014

## **1 POLICY**

- 1.01 Tyndale is committed to ensuring that Tyndale members (as defined below) are free from discrimination and harassment in the workplace.
- 1.02 Retaliation or reprisals are prohibited against any member who has made a complaint in good faith under the terms of this Statement of Policy and Procedure, or has in good faith provided information regarding a complaint.
- 1.03 Tyndale recognizes that individuals may find it difficult to come forward with a complaint under this Statement of Policy and Procedure because of concerns of confidentiality. Therefore, all complaints concerning workplace discrimination or harassment, as well as the names of parties involved, shall be treated as confidential. Any investigation conducted under this Statement of Policy and Procedure may require limited disclosure. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only in the file of the person who engaged in such conduct; otherwise, no record of the complaint will be kept in the human resource file of the complainant or respondent.
- 1.04 A copy of this Statement of Policy and Procedure shall be provided to and acknowledged by each new member as part of his/her hiring/contract documentation. Additionally, this Statement of Policy and Procedure shall be posted and remain posted on all Health & Safety bulletin boards.
- 1.05 This Statement of Policy and Procedure shall be reviewed at least annually.

## **2 PURPOSE**

- 2.01 To set out the responsibilities of members with respect to prevention of discrimination and harassment; set out a complaint and resolution procedure; and describe consequences for violation of this Statement of Policy and Procedure, so that members who experience discrimination or harassment may have confidentiality and that such matters may be reported without fear of retaliation or reprisal.

*The policy and procedure for dealing with sexual harassment can be found in a separate policy document for staff and in the Faculty Handbook for faculty.*

## **3 SCOPE**

- 3.01 This policy applies to members of Tyndale (defined in Section 5).

## **4 RESPONSIBILITY**

- 4.01 **Responsibility of members:**
- (a) Ensure discrimination and harassment are not tolerated.
  - (b) Inform Supervisors or Human Resources if they are faced with or become aware of alleged actions or complaints of discrimination or harassment in accordance with the procedure set out in this Statement of Policy and Procedure.
  - (c) Attend any training/information session that Tyndale requires the member to attend in dealing with discrimination or harassment, and/or familiarize themselves with relevant material provided by Tyndale to prevent workplace discrimination and harassment.
  - (d) Cooperate with Tyndale investigators or other authorities during any investigation that may

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be initiated under this Statement of Policy and Procedure.

**4.02 Responsibility of Supervisors:**

- (a) Provide a work environment that is free from discrimination and harassment. This responsibility includes actively promoting a discrimination-free and harassment-free workplace.
- (b) Respond to workplace discrimination or harassment issues that come to their attention in accordance with the provisions set out in this Statement of Policy and Procedure.

**4.03 Responsibility of Human Resources:**

- (a) Review this Statement of Policy and Procedure at least once a year.
- (b) Ensure members are provided the information they need to deal with incidents of discrimination and harassment in the workplace.
- (c) Inform new members of this Statement of Policy and Procedure.
- (d) Post this Statement of Policy and Procedure in the workplace, both on paper and electronically.
- (e) Investigate complaints in accordance with the provisions set out in this Statement of Policy and Procedure.

**5 DEFINITIONS**

5.01 **“Complainant”** is an individual who has submitted a complaint under this Statement of Policy and Procedure alleging that he/she has suffered discrimination or harassment.

5.02 **“Discrimination”** means the differential treatment of an individual in employment that is based on race, ancestry, place of origin, colour, ethnic origin, citizenship, sex, age, record of offences, family status or disability or any other prohibited ground of discrimination under the *Human Rights Code* to the extent that Tyndale is prohibited from discriminating on the basis of such prohibited ground.

5.03 **“Harassment”** means 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.

“Harassment” may include comments that demean, ridicule or intimidate; the display or circulation of offensive pictures or printed material; and bullying. Harassment does not normally include the conduct of a manager that falls within his or her normal work function, even if in the course of carrying out that function a worker suffers unpleasant consequences.

5.04 **“Member”** includes full-time and part-time faculty and staff (including student workers), instructors, secondees, volunteers, contractors and consultants.

5.05 **“Respondent”** is the individual against whom a complaint has been made under this Statement of Policy and Procedure.

5.06 **“Workplace”** “workplace” means any land, premises, location or thing at, upon, in or near which a member works. The workplace includes, but is not limited to, the physical work premises and the site of work-related social functions, work assignments outside Tyndale’s offices and work-related conferences or training sessions. Discrimination or harassment by a member against another member that occurs away from Tyndale’s premises but that has repercussions in the workplace is

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considered to be workplace harassment under this Statement of Policy and Procedure.

## **6 COMPLAINT AND RESOLUTION PROCEDURE**

### **6.01 Workplace Discrimination or Harassment Complaint Submission Procedure**

#### **Step 1 – Direct Approach**

Members are encouraged to attempt to resolve their concerns relating to discrimination or harassment, by direct communication with the person(s) engaging in the alleged discrimination or harassment. Where a member feels confident or comfortable doing so, he or she should communicate disapproval in clear terms to the person(s) who are alleged to have engaged in discrimination or harassment, keeping a written record of the date, time, details of the conduct, and witnesses to the discrimination or harassment.

#### **Step 2 - Management Support and Intervention (Informal Process)**

Members who are not confident or comfortable with Step 1 and who believe they are victims of discrimination or harassment, or become aware of situations where such discrimination or harassment may be occurring, are encouraged to report these matters to any of the following individuals: the member's supervisor, the Director of Human Resources or the Chief Operating Officer. Any of such persons may, if they deem it appropriate in the circumstances, act as an intermediary and seek an informal resolution of the complaint.

#### **Step 3 - Formal Complaint**

If informal attempts at resolving the issue are not appropriate, or have proved to be ineffective, a person who believes that he or she has been subject to discrimination or harassment may file a formal complaint using the Workplace Discrimination or Harassment Reporting Form (Attachment B), to one of following persons:

- (i) Complainant's Supervisor
- (ii) Complainant's Department Head
- (iii) Director of Human Resources
- (iv) Vice President responsible for the area in which the Complainant works
- (v) Chief Operating Officer

Immediately upon receiving a formal complaint, the Complainant's Supervisor or Department Head, the Vice President responsible for the area in which the Complainant works, or the Chief Operating Officer, shall forward the complaint to the Director of Human Resources.

### **6.02 Workplace Discrimination or Harassment Complaint Investigation Procedure**

- a. Upon receipt of a formal complaint on the Workplace Discrimination or Harassment Reporting Form, either directly or through any other person listed in 6.01 (Step 3) above, the Director of Human Resources shall provide the Complainant, within one working day, with acknowledgement of receipt of the complaint.
- b. If the Director of Human Resources determines that the complaint is trivial, frivolous, vexatious, made in bad faith, or outside the scope of this Statement of Policy and Procedure, then the Director of Human Resources may, in his/her discretion, decide not to deal with the complaint, in which case the complaint process shall terminate and the Director of Human

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Resources shall so advise the Complainant.

- c. Unless the Director of Human Resources has decided, under section 6.02(b), not to deal with the complaint, the Director of Human Resources shall provide to the Respondent a written summary of the allegations in the complaint. The Director of Human Resources need not provide the complaint itself to the Respondent.
- d. If the Respondent admits all of the allegations in the complaint, then (i) the Director of Human Resources may, in his/her discretion, appoint, a mutually acceptable third party to mediate a settlement between the Complainant and the Respondent, and/or (ii) the Chief Operating Officer in consultation with the Respondent's Vice President will determine and impose the appropriate discipline, if any, on the Respondent.
- e. If the Respondent does not admit all of the allegations in the complaint or if mediation does not achieve a settlement of the complaint, or if the Respondent admits all of the allegations in the complaint but the Chief Operating Officer decides that an investigation is nevertheless required, the Chief Operating Officer shall appoint a person from within Tyndale to conduct an investigation into the complaint. If the Chief Operating Officer determines that it would be appropriate, he or she may appoint the Director of Human Resources to conduct the investigation.
- f. The investigator will conduct an investigation. The conduct of the investigation is within the discretion of the investigator, except that the investigator shall meet with the Complainant and the Respondent. The investigator may meet with any other persons having relevant evidence in respect of the investigation. The investigator may also collect and review any relevant documents including e-mails.
- g. Upon the conclusion of the investigation, the investigator shall prepare a report setting out the evidence and the investigator's factual findings. The investigator shall not make any recommendations in the report. The investigator shall submit the report to the Chief Operating Officer.
- h. Upon receipt of the report, the Chief Operating Officer shall review the report and may, in his/her discretion, ask the investigator to conduct any further necessary investigation. The Chief Operating Officer shall, when he/she receives the final report from the investigator, decide whether discrimination or harassment occurred, and shall decide what if any actions must be taken in response to the report. Such actions may include, without restriction, discipline of the Respondent up to and including termination of employment.
- i. A Complainant who is found by the Director of Human Resources to have made a complaint in bad faith, may be subject to discipline as determined by the Chief Operating Officer in consultation with the Respondent's Vice President.
- j. The Chief Operating Officer shall advise the Complainant of their decision regarding whether discrimination or harassment occurred. The Chief Operating Officer may, in his/her discretion, decide what, if any, support Tyndale will provide to the Complainant.
- k. If the Complainant is not satisfied with the decision of the Chief Operating Officer as to whether discrimination or harassment occurred, the Complainant may, within 10 working days of receiving the decision of the Chief Operating Officer, submit a written request to the Chief Operating Officer asking them to reconsider the decision. Such written request shall concisely set out the reasons for the Complainant's request for reconsideration.
- l. The request for reconsideration shall be reviewed by the Chief Operating Officer. The Chief

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Operating Officer shall forward to the President the following: the complaint, the investigation report, and a written recommendation from the Chief Operating Officer as to whether the request for reconsideration should be allowed. The President may, in his or her discretion, uphold the previous decision of the Chief Operating Officer or substitute any other decision or action that he or she deems appropriate. The President shall advise the Complainant, the Respondent and the Chief Operating Officer of the President's decision. The President's decision is final.

- m. After having received a request for reconsideration, the President may, in his or her discretion, direct that the investigator, or another investigator, conduct further investigation before the President makes his/her decision. The investigator shall then submit the results of his/ her further investigation to the President. Such further investigation will be conducted only in exceptional circumstances.
- n. If, after considering a request for reconsideration, the President upholds the complaint, the Chief Operating Officer in consultation with the Respondent's Vice President will determine and impose the appropriate discipline, if any, on the Respondent.

In the event that any of the Director of Human Resources, the Vice President or the Chief Operating Officer is a complainant, respondent or material witness under this Statement of Policy and Procedure in respect of any complaint, such person shall not exercise any responsibilities assigned to them as Director of Human Resources, the Vice President or the Chief Operating Officer under this Statement of Policy and Procedure, but rather the President shall appoint another person, who is not a complainant, respondent or witness in respect of such complaint, to exercise the responsibilities assigned to that person under this Statement of Policy and Procedure.

In the event that the President is a Complainant, Respondent or material witness under this Statement of Policy and Procedure in respect of any complaint, the President shall not exercise any responsibilities assigned to him or her as President under this Statement of Policy and Procedure, but rather the Chair of the Board of Directors shall appoint another person, who is not a complainant, respondent or witness in respect of such complaint, to exercise the responsibilities assigned to the President under this Statement of Policy and Procedure.

**6.03 Retaliation or reprisals against a Complainant:**

Any person who exercises retaliation or reprisal against a Complainant under this Statement of Policy and Procedure, other than discipline imposed by the Chief Operating Officer against the Complainant for making a complaint in bad faith, will be subject to immediate corrective action, up to and including termination.

**6.04 If no Formal Complaint Filed**

The Chief Operating Officer, if they have reasonable grounds to conclude that discrimination or harassment has occurred in respect of which no formal complaint has been filed, may direct that an investigation be conducted under this Statement of Policy and Procedure even if no complaint has been filed, in which case this Statement of Policy and Procedure shall apply to that investigation with necessary modifications to reflect the fact that a complaint was not filed.

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**7 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

Occupational Health and Safety Act and Regulations  
 Tyndale Staff HR Policy Manual  
 Faculty Handbook  
 Community Standards Statement (Faculty/Staff)  
 Privacy Policy

**8 ATTACHMENTS**

Attachment A – Workplace Discrimination and Harassment Complaint Investigation Process Map  
 Attachment B – Workplace Discrimination or Harassment Reporting Form

## Attachment A WORKPLACE DISCRIMINATION AND HARASSMENT COMPLAINT INVESTIGATION PROCESS MAP



