



University Students' Council of the University of Western Ontario  
**DISCRIMINATION HARASSMENT AND VIOLENCE  
REPORTING PROCEDURE**

EFFECTIVE: TBD SUPERSEDES: ~~6<sup>th</sup> May 2015~~None  
AUTHORITY: General Manager RATIFIED BY: Board of Directors

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RELATED DOCUMENTS: • Discrimination Harassment and Violence Prevention Policy PAGE | 1 of 6

PURPOSE:

The following is a detailed procedure to administer the Discrimination Harassment and Violence Prevention Policy.

1.00 DEFINITIONS

- 1.01 "Complainant" means any individual who deems he or she has been the target of discrimination or harassment.
- 1.02 "Respondent" means the person who is alleged to have engaged in the discrimination or harassment.

2.00 ADMINISTRATION

2.01 The Human Resources Manager is responsible for administering the provisions of this Procedure. In the event the Human Resources Manager is conflicted, the General Manager shall be responsible for administering the Procedure.

~~2.01~~2.02 In the event the General Manager is the Respondent in a complaint, the Human Resources Manager shall immediately notify the President who shall in consultation with the Board of Directors shall administer the Policy.

3.00 REPORTING PROCEDURE

- 3.01 Any individual who is the victim of violence in the workplace or who witnesses violence shall report such behaviour to the Human Resources Manager if the situation is not one of immediate danger.
  - (1) If an emergency exists and the situation is one of immediate danger, individuals shall contact either Campus Police or local police officials by dialing 9.1.1. Individuals are also encouraged to take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
- 3.02 Any individual who deems he or she is being harassed is urged to speak up to the alleged harasser in an effort to advise that the behaviour and/or comments are unwelcome.



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- (1) If the behaviour persists, or if the nature of the relationship makes it unreasonable or unsafe for the individual to address the behaviour with the person responsible, the individual is responsible for bringing this matter to the attention of the Human Resources Manager.

3.03 In the event the Human Resources Manager is the alleged harasser, the General Manager shall be responsible for receiving the complaint and administering the provisions of this Procedure.

- (1) If the Human Resource Manager is the victim of harassment, the General Manager shall be responsible for administering the provisions of this Procedure.

#### 4.00 PROCEDURE UPON RECEIPT OF COMPLAINT

4.01 Upon receipt of a report or complaint, whether written or verbal, the Human Resources Manager will meet with the complainant to discuss the complaint, the provisions of and options available under this Complaints Procedure.

4.02 Every effort will be made to resolve workplace issues through an informal resolution process. However, if this process is unsuccessful, declined by the parties, or deemed inappropriate, the Human Resources Manager may initiate an administrative or formal investigation to determine whether the allegations are founded or not.

- (1) It is at the discretion of the Human Resource Manager, or other individual responsible for administering the policy whether or not to initiate an investigation.

#### 5.00 INVESTIGATIONS

##### 5.01 Initiation of a formal investigation

- (1) Before an investigation will be initiated, a [eComplainant](#) must submit a written complaint to the Human Resources Manager (or General Manager if appropriate). The Corporation reserves the right not to pursue a complaint that is filed more than 12 months after the last incident or event of alleged harassment. The complaint should contain specifics including:

- i. Name of Complainant and Position with the Corporation;
- ii. Name and Position of the Respondent (alleged harasser);
- iii. Details of what happened with as much particularity as possible;
- iv. Dates, times, and locations of the incidents;



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- v. Where possible, the names of any appropriate witnesses.

5.02 Rights of the [eComplainant](#)

(1) A [eComplainant](#) has a right to:

- i. file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal;
- ii. make sure that no record of the complaint is placed on his or her personnel file, so long as it was made in good faith;
- iii. be informed about the progress of his or her complaint;
- iv. be informed of the type of corrective measures that will result from the complaint; and,
- v. receive fair treatment.

5.03 Rights of the [rRespondent](#):

(1) The [rRespondent](#) has a right:

- i. to be informed of the complaint;
- ii. to be given a written statement of the official allegations, and to respond to them;
- iii. to be informed about the progress of the complaint; and
- iv. to receive fair treatment.

5.04 Cooperation:

(1) During the investigation, all parties are expected to cooperate in the process if and when called upon to do so. All [employeesMembers](#) are expected to cooperate with any investigations, including making themselves available to be interviewed. [EmployeesMembers](#) are expected to be mindful of the sensitivities of investigations and shall keep any information received confidential.

- i. Failure to adhere to this policy may result in disciplinary action being taken against the offending individual.

5.05 Investigations Procedure



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- (1) Ultimately, the purpose of an investigation is to determine what happened. In order to accomplish this, the investigation must allow all affected parties to express their view and provide evidence to the investigation. As such, the Corporation has developed this standard investigation process:

Step One – Review the Discrimination, Harassment and Violence Prevention Policy

As an initial step, the Human Resource Manager [\(or other individual in accordance with section 2.00 of this Procedure\)](#) shall review the complaint and the Policy to determine whether the alleged complaint and associated behaviour meets the definition of workplace discrimination or harassment.

Step Two – Meet with the parties to explain the investigation process

At this stage, the Human Resources Manager [\(or other individual in accordance with section 2.00 of this Procedure\)](#) will inform the complainant and respondent about the following:

- expected timeline;
- overall process (interview, review of documentary and other evidence);
- roles and responsibilities of anyone involved in the investigation;
- confidentiality of the investigation (who will receive the investigation report);
- possible interim measures that may be taken to limit the potential for discrimination and harassment, if deemed necessary.

Step Three - Determine the Appropriate Investigator

It shall be the role of the Human Resources Manager (or other individual [in accordance with section 2.00 of this Procedure](#)~~as provided above~~) to determine the appropriate investigator. An investigation must be fair and impartial. The investigator could be someone from within the organization, including the administrator of this Policy. However, in more complex or sensitive cases, an external investigator may be appropriate.

Step Four – Conduct of Investigation:

The investigator will meet and speak with the [e](#)Complainant and obtain any relevant information regarding the complaint. The [e](#)Complainant may be asked and required to provide documentary evidence including emails, handwritten notes, or other records that would be helpful to the investigation.

After meeting with the [e](#)Complainant and providing the [r](#)espondent with a copy of the complaint, the investigator will interview and meet with the Respondent. The Respondent



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may be asked and required to provide documentary evidence including emails, handwritten notes, or other records that would be helpful to the investigation.

Following that meeting, the investigator will, if he or she deems appropriate, meet with other witnesses.

At the conclusion of the investigation, the investigator will outline his/her findings in a written report. The report will normally contain the following elements:

- A description of the allegations;
- A description of the investigation process followed;
- A description of the background information and evidence that supports or refutes each allegation;
- An analysis of the evidence in respect of each allegation; and
- A statement as to whether or not the behaviour described in each allegation constitutes a breach of the Policy.

The Human Resources Manager or another member of the Corporation will meet separately with both the Complainant and the Respondent, confidentially to explain the investigation's findings.

Step Five – Corrective Action:

| If it is found that the Respondent has contravened this Policy, he or she may be subject to one or more of the following forms of discipline, depending on the severity of the violation:

- A written reprimand;
- A suspension with or without pay
- A transfer
- A demotion; or
- Dismissal.

If the respondent is a member of the Executive, any disciplinary action shall be taken in accordance with the Executive Accountabilities and Discipline Policy. Any dismissal of any Executive Member shall occur only in accordance with the provisions of By-Law #1

In most cases of harassment, the harasser will also be required to participate in anti-harassment training education.



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Where a founded complaint involves a member of Council as **R**espondent, the results of the investigation in addition to being provided to the President and council, ~~the report~~ may also be forwarded to the appropriate department in the member's home faculty.

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the **R**espondent's file. When the investigation reveals a violation of the Policy, the incident and the discipline that is imposed on the **R**espondent will be recorded in the **R**espondent's file.

If a person, in good faith, files a complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the **R**espondent's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained, and no record in her or his file.

In the rare event that the complaint was made in bad faith – in other words, the person making it had absolutely no basis and deliberately and maliciously filed the complaint, the **C**omplainant will be disciplined and a record of the incident will be put in her or his file. Penalties for someone who complains in bad faith will be the same as for a case of discrimination or harassment (see Corrective Action) and will depend on the seriousness of the situation.

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#### 5.06 No Retaliation

- (1) Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of harassment or discrimination or given evidence in an investigation, will be penalized accordingly. The possible penalties are the same as those assessed against those found to have contravened the Discrimination Harassment and Violence Prevention Policy.