

POLICY ON HARASSMENT

Effective Date: September 27, 2024

Approval Authority: Vice-President,
Services and Sustainability

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PREAMBLE

Concordia University (the “University”) is committed to the values of civility, equity, respect, non-discrimination and an appreciation of diversity. All staff and faculty members may reasonably expect to pursue their work and other activities related to University life, including work-related social activities, in a safe and civil environment. All forms of Harassment (as defined below) are an injury to the dignity and the integrity of the individual being harassed and will not be tolerated.

Various laws, such as the [Quebec Charter of Human Rights and Freedoms, CQLR, chapter C-12 \(the “Charter”\)](#), the [Civil Code of Québec, CQLR c CCQ-1991](#), the [Act Respecting Industrial Accidents and Occupational Diseases, CQLR, chapter A-3.001](#), the [Act Respecting Occupational Health and Safety, CQLR, chapter S-2.1](#) and the [Act Respecting Labour Standards, CQLR, chapter N-1.1](#), contain provisions or provide potential remedies related to Harassment prohibited by law. Some cases of Harassment may contravene provisions of the [Criminal Code of Canada R.S.C., 1985, c. C-46](#) as well.

At the University, the [Office of Rights and Responsibilities](#), the [Employee and Labour Relations unit](#) and the Associate Deans responsible for faculty relations are available to assist with the resolution of work-related Harassment concerns and complaints by Employees (as defined below) who believe that they have been subjected to Harassment.

Nothing in this Policy shall replace or supersede any complaint, grievance or appeal procedure set out in any [collective or employee agreement](#) to which the University is a party.

SCOPE

This Policy applies to all Employees of the University unless specific provisions of a [collective or employee agreement](#) apply.

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PURPOSE

The purpose of this Policy is to assist the University in taking all reasonable steps to:

- maintain a climate at work which is devoid of Harassment and to ensure that each staff and faculty member's right to dignity and respect is protected;
- contribute to the sensitization, the education and the training of all staff and faculty members to prevent harassing behaviour; and
- provide the necessary support and redress to staff and faculty members who believe that they have been subjected to harassing behaviour by outlining a clear and expeditious complaint resolution process.

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

"Associate Dean(s)" means the Associate Dean responsible for faculty relations of each faculty.

"Complainant" means an Employee who files a complaint in accordance with the Policy.

"ELR" means the Employee and Labour Relations unit.

"Employee(s)" means any staff, faculty member or member of the administration of the University.

"Harassment" means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an Employee's dignity or psychological or physical integrity and that results in a harmful work environment for the Employee when such conduct has the effect or purpose of unreasonably interfering with an Employee's right to pursue their work in a safe and civil manner or of creating an intimidating or hostile working environment.

For greater certainty, Harassment includes such behaviour in the form of verbal comments, actions or gestures of a sexual nature such as, but not limited to, verbal abuse or threats of a sexual nature, unwelcome sexual invitations or requests, demands for sexual favours or

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unwelcome and repeated innuendoes or taunting about an Employee's body, appearance, gender, gender identity, sexual orientation or sex life.

Harassment also includes all forms of repeated or ongoing unwelcome, vexatious conduct directed towards an Employee which may be based upon one of the prohibited grounds specified in the Charter, that is: race, colour, ethnic or national origin, sex, gender identity, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, social condition, disability or the use of a means to palliate a disability.

A single serious incidence of such behaviour that has a lasting harmful effect on an Employee may also constitute Harassment.

This Policy is not to be applied in such a way as to detract from the right and duty of those with supervisory authority to manage and, if necessary, to discipline Employees in accordance with collective or employee agreements and University policies and procedures. For greater clarity, the legitimate and non-abusive exercise of the right to manage, direct and supervise Employees by the University or its representatives as well as the application of various University policies, guidelines and practices do not constitute Harassment.

"Investigator" means the person who shall conduct the formal investigation of a complaint of Harassment in accordance with the relevant collective or employee agreements, if applicable, who may include ELR and/or an investigator external to the University.

"ORR" means the Office of Rights and Responsibilities.

"Respondent" normally means an Employee against whom a complaint under the Policy is made.

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POLICY

1. The University will not tolerate any form of Harassment.

Education and Prevention

2. Preventing Harassment requires increased awareness of the impact that one's actions may have on others. The University firmly believes that prevention is the best tool for the elimination of such behaviour. Accordingly, the University intends to take all necessary steps to prevent that conduct from occurring, such as affirmatively raising the subject, expressing strong disapproval and developing methods to sensitize all concerned.
3. While managers and supervisors have a positive responsibility to discourage and prevent Harassment, it is also the responsibility of each Employee to maintain an appropriate standard of conduct and to ensure that harassing behaviour does not occur at work, including during work-related social activities, by:
 - refraining from behaviour that may be construed or is regarded as harassing by colleagues; and
 - taking appropriate action if such conduct occurs to prevent it from occurring again. Such action should include, if at all possible, telling the person who is misbehaving to cease the behaviour. Many people will change their behaviour if they know it offends. Other actions include reporting incidents to a manager or a supervisor, or seeking the assistance of the ORR, ELR or an Associate Dean.
4. The University will issue periodic communications to all Employees including:
 - an explanation of what constitutes Harassment in the workplace and of the University's position in this regard;
 - a review of recourses for those who believe they are the target of Harassment; and
 - any other information deemed useful to prevent Harassment and to promote civil and collegial behaviour.

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5. The University will inform and train managers and supervisors with respect to the provisions of the [*Act Respecting Labour Standards, CQLR chapter N-1.1*](#) as they relate to Harassment as well as the terms of this Policy.
6. The University will also provide additional training to members of the ORR, ELR and the Associate Deans who may manage a complaint or a report of Harassment under this Policy.

Harassment Complaints

7. It is imperative that complaints be reported and investigated in order to assist the University in taking steps to remedy alleged situations of Harassment and to prevent recurrences.
8. Any Employee who believes that they have been subjected to Harassment that falls within the scope of this Policy is strongly encouraged to consult with the ORR, ELR or an Associate Dean and to seek a remedy through one or more of the informal dispute resolution procedures described in the *Code of Rights and Responsibilities* ([BD-3](#)).
9. In the case of a concern regarding the behavior of a Vice-President, the Employee is strongly encouraged to consult the President; and in the case of a complaint against the President, the member is strongly encouraged to consult the Chair of the Board.
10. Any Employee who wishes to file a formal Harassment complaint under this Policy shall file a written complaint with the ORR. The formal complaint shall be made in writing and shall include:
 - the identity of the Complainant and the Respondent(s) as well as their contact information, if available;
 - the specific details of the alleged incidents of the Harassment complaint including dates, times and locations;
 - the identity and contact information of potential witnesses; and
 - any additional relevant information or supporting documentation.

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11. Any person who witnesses an Employee being subjected to Harassment may also report a situation by contacting the ORR and filing a written disclosure containing the information requested for Harassment complaints in [section 10](#), if available.
12. Any Harassment complaint must be filed within two years of the last incidence of the offending behaviour.
13. Upon receiving a formal Harassment complaint, the ORR shall transmit the complaint along with all the relevant information and documentation to ELR. ELR shall then, in accordance with any applicable collective or employee agreement, initiate communications with the Complainant, Respondent, their applicable union or association, their managers or supervisors or the person who made a disclosure, consulting with the Office of the Provost and/or the relevant Associate Dean, as appropriate. In the event the Respondent is not an Employee, the Harassment complaint process contained in the present Policy shall be adapted as required.
14. If the Harassment complaint is admissible under the present Policy, a formal investigation of a Harassment complaint may be conducted by the Investigator in accordance with the relevant collective or employee agreements, if applicable. Any investigation must be completed within a reasonable delay.
15. Upon the completion of the investigation, the Investigator shall send the written report to the Respondent's manager or supervisor and ELR.
16. Upon the completion of the investigation, the Respondent's manager or supervisor may, in consultation with ELR, dismiss the Harassment complaint, impose or recommend the imposition of a disciplinary measure or take any other action permitted by the relevant collective or employee agreement.
17. The Investigator's report and/or their findings shall be provided to the Respondent and the union or association, in accordance with the relevant collective or employee agreement.
18. When the matter has been decided by the Respondent's manager or supervisor, the Complainant shall be notified in a timely fashion of the outcome of their Harassment Complaint.

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19. All information, whether in writing or in any other form, obtained by the ORR, ELR, an Associate Dean, the Respondent's manager or supervisor and/or the Investigator in the performance of their duties in relation to any Harassment complaint or investigation shall be strictly confidential except as provided for by law or the relevant collective or employee agreements. Such files shall be preserved in a secure and confidential manner for a minimum of two years and shall be destroyed according to a retention schedule determined in accordance with provincial legislation. However, by filing a Harassment complaint, the Complainant authorizes the University to disclose their identity and the content of the complaint to the Respondent and any other person as required for the application of the present Policy, including the processing of the Harassment complaint and any investigation. The same authorization applies to a written disclosure.
20. Any person who seeks the services of, files a Harassment complaint or reports a situation with, or cooperates in any manner with the ORR or ELR or any investigation undertaken under this Policy shall not be subject to any reprisals for so doing.
21. In an egregious case, in which the safety or well-being of an Employee is deemed to be at risk, the University may take such temporary measures permitted under the collective or employee agreement, relevant University policy and the law, as deemed necessary.
22. All Employees shall cooperate in any investigation related to a Harassment complaint or report.
23. In the event that the facts contained in the Harassment complaint, or the disclosure have been or are the subject of a complaint, grievance or recourse under a collective or employee agreement, another University policy, procedure or guidelines, or under a law, the University may suspend or discontinue the processing of the Harassment complaint under this Policy.

Policy Responsibility and Review

24. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Vice-President, Services and Sustainability.