

ANTI - HARASSMENT POLICY FOR OPIRG MCMASTER

1. PREAMBLE:

OPIRG McMaster believes that its strength lies in the diversity of its members and staff. OPIRG McMaster recognizes its responsibility to provide its volunteers, Board of Directors, staff and general members with an environment which is safe and free from all forms of harassment and discrimination. To this end, OPIRG will undertake to develop programs and training activities designed to increase awareness of discriminating issues.

As participants in OPIRG, it is the personal responsibility of each Board member, staff person, volunteer and member to know and abide by this policy and to commit to creating and sustaining an environment which is safe and free from all forms of harassment and discrimination. The Board of Directors shall commit to familiarizing themselves with this policy and to act swiftly and effectively upon complaints.

Any harassment which affects the OPIRG environment and any Board member, non-unionized staff, volunteer or member found guilty of harassment or discrimination shall be disciplined in accordance with complaints procedure contained within this policy.

2. DEFINITIONS:

Harassment, Discrimination

Article 4. No Discrimination/Harassment from the Collective Agreement for OPIRG 2012 Version

“4.1 No Discrimination

4.1.1 The Employer agrees that there shall be no discrimination or harassment exercised or practiced with respect to any Employee or applicant for employment by reason including but not limited to age; race; creed; colour; place of origin; ethnic origin; citizenship; ancestry; political or religious affiliation; gender; sex; transsexual/transgendered identification; sexual preference, orientation or identification; marital status; family status; class; place of residence; record of offences except where it relates to bona fide employment qualifications; Acquired Immune Deficiency Syndrome (AIDS), AIDS-related illnesses, positive Human Immunodeficiency Virus (HIV) test and any other illness or disability, mental, physical or other disability, so long as it does not significantly impair the performance of the duties of the position; union membership or activity; nor by reason of the exercise of any of the rights contained in this Agreement.

4.1.2 No Employee or applicant for employment shall be required to submit to a lie detector test, blood test, or any other test for illness or drug dependency.

4.1.3 Where an Employer deems it necessary for the operation of the Chapter that an Employee shall have a specified level of competence in French and/or English, such

requirement shall be deemed non-discriminatory. Where necessary in a specific job description, a language competency other than French or English can be prioritized.

4.1.4 Where an applicant is hired under Articles 13.4 and 13.5, such hiring shall be deemed non-discriminatory.

4.2 No Harassment

4.2.1 The Employer agrees that there shall be no form of harassment exercised or practiced with respect to any Employer or any applicant seeking to become an Employee as per 4.1.1.

4.2.2 There shall be no harassment of the Employees by the Employer. Harassment by Volunteers of the organization is the responsibility of the Employer. Collective Agreement for OPIRG – March 2012 9 of 34

4.2.3 Sexual Harassment

Sexual harassment shall be defined as:

- (i) unwanted attention of a sexually oriented nature; or
- (ii) implied or expressed promise of reward for complying with a sexually oriented request; or
- (iii) implied or expressed threat of reprisal, actual reprisal or the denial of opportunity for the refusal to comply with a sexually oriented request; or
- (iv) sexually oriented remarks or behaviour which may reasonably be perceived to create a negative working environment.

4.2.4 Gender Harassment

Gender harassment shall be defined as offensive comments and/or actions, and/or exclusion from that to which a person(s) would otherwise have a right or privilege, which demean and belittle an individual(s) and/or cause personal humiliation, on the basis of sexual preference, transsexual/transgendered identification or gender, but which may not be sexually motivated.

4.2.5 Racial/Ethnic Harassment

Racial/ethnic harassment shall be defined as offensive comments and/or actions, and/or exclusion from that to which a person(s) would otherwise have a right or privilege, which demean and belittle an individual(s) and/or cause personal humiliation, on the basis of race, creed, colour, place of origin, ethnic origin, citizenship and/or ancestry, but which may not be sexually motivated.

4.2.6 Harassment by Members of the Chapter Board of Directors

Harassment by a member of the Chapter Board of Directors shall be defined as complaints not related to work performance, or any offensive comment and/or action which demeans an Employee or causes humiliation.

4.3 Harassment-Free Workplace Postings

All locations in which Employees regularly perform duties shall have posted, in a prominent location a sign, the measurements of which shall be at least 50 cm by 50 cm, informing all who attend such location that all work locations operated by the Employer are harassment-

free workplaces. All such postings shall contain a Union logo, to be supplied to the Employer by the Union.”

3. COMPLAINTS PROCEDURE:

In harassment cases which involve staff organized under CUPE local 1281, the Collective Agreement shall be considered the defining protocol for handling grievances. In any conflicts between this policy and the Collective Agreement, the Collective Agreement takes precedence over this policy.

3.1 Harassment Resource Person:

OPIRG McMaster has a board member whose portfolio is Anti-Harassment. This board member is familiar with this harassment policy and can provide assistance on it.

3.2 Confidentiality:

Confidentiality will be maintained throughout all the steps of the Complaint Procedure. All records of harassment complaints and discussions will be kept confidential. A file for complaints is located in the OPIRG office. Each complaint/case shall be sealed so that it remains confidential.

3.3 Reporting Complaints:

Written complaints of harassment may be presented to the Board during any regularly scheduled Board meeting. If the complainant feels that their safety or health is jeopardized or if she/he is uncomfortable with approaching the entire Board or if the complaint is not attended to before the next scheduled Board meeting, the complaint may be presented to the Board member holding the Anti-Harassment Portfolio or any other member of the Board, who shall notify other Board members that a complaint has been lodged and call a Board meeting to initiate organizational responses to the complaint within one week of notification. Group complaints resulting from the consolidation of similar individual grievances seeking a common redress will be accepted by the Board and considered under this policy.

3.3.1 THIRD PARTY COMPLAINTS: In the case of third party complaints the third party registers the complaint in the same manner as outlined in 3.01. Except that the Board will not be notified until:

- (i) Second party has been notified if third party requests this.
- (ii) In the event that the second party has been notified, and wishes to take action they must come forward and the complaints protocol procedure will be followed.
- (iii) In the event that the second party does not wish to take action, the initial complaint will be received and no further action will be taken.

3.3.2 ANONYMOUS COMPLAINTS: In the case of anonymous complaints; a complaint will be received. The person who documents the complaint should make clear the option available to the complainant should they wish to pursue their case further. No further action will be taken unless the complainant decides to identify themselves.

3.4 Contents of the Complaint:

The formal complaint must be in writing and must at least contain the following information:

(i) Name of the complainant and their accused harasser.
(ii) Dates, times, places, witnesses and incidents of harassment, in as much detail as possible, to provide a written record on which the complaints committee may base its actions.

(iii) Any requests for action the complainant would like to make to the Board in handling the complaint.

3.5 Stages of Addressing a Complaint:

Each step of the procedure will be at the direction of the complainant. At any point the complainant may withdraw their complaint and the file will be closed. Because time is a sensitive issue in harassment complaints, these steps should be instituted as soon as a complaint is presented at the Board meeting.

3.5.1 MEETING OF THE BOARD: A Board meeting will be called within 10 days of receiving a complaint if one is not already scheduled. It is the responsibility of the Board member receiving the complaint to convene the meeting if unscheduled. The complaint will be entered as an agenda item for that meeting.

The Board will establish a Complaints Committee to address the complaint. This committee has the power to make final decisions and invoke discipline in the matter of the complaint. All committee members shall be given copies of the Harassment Policy and have read the entire policy before proceeding.

3.5.2 COMPOSITION OF COMMITTEE:

- This committee shall consist of no less than three and no more than five people.
- *At least* two committee members shall be members of the Board of Directors.
- At least one member shall be a neutral party from outside the organization.
- Any parties to the complaint or in a position of conflict of interest will not stand on this committee.
- Consideration should be taken of balanced representation in regards to gender, race, sexual orientation, ability, etc.

3.5.3 INFORMING THE COMPLAINANT AND RESPONDENT:

As soon as possible:

- The respondent will be informed that a complaint has been lodged against them and will be told that they can view the written complaint.
- The committee shall notify the complainant and respondent of the formation of the committee and its members.
- Both the complainant and respondent shall receive a copy of the Harassment Policy.
- Both the complainant and the respondent have the right to request the removal of one person from the committee before the next step is initiated. The remaining members of the committee shall select an alternate committee member to replace the person(s) so removed.

3.5.4 SEPARATING THE COMPLAINANT AND THE RESPONDENT: The first action of the Board shall be to separate the respondent and the complainant. Such action shall be taken

without prejudice, in the interest of preserving the safety of OPIRG members and the smooth functioning of the working environment. This separation will continue until the decisions of the committee is made.

No communication is permitted between the respondent and the harasser while the investigation is under way, and no witnesses in the case with each other. Failure to comply with this threatens the investigative procedure and is subject to discipline by the committee.

3.5.5 COUNSELLING: The committee may offer to provide counseling for both or either of the accused and the complainant at their request. If such a request is made, the complainant or the respondent will be referred to on-campus or community counseling services.

3.5.6 STAGES OF HANDLING THE COMPLAINT: In the interest of resolving complaints, the following steps will be implemented in handling a complaint.

3.5.6.1 Stage One - Individual Consultation with Committee

Within 5 days after the committee has been established, the committee shall have met separately with the complainant, the respondent and any witnesses at a location outside the OPIRG office. The meeting with each individual will be scheduled by the committee at a mutually agreed upon time.

The respondent will be offered an opportunity to submit a written response to the complaint at this meeting. If the complainant is satisfied with the written response, they will sign a statement to that effect witnessed by a majority of the committee members. If the respondent refuses to prepare a written response, the written response is not received by the date requested by the committee or the complainant is unsatisfied with the response, then the complainant may request that the committee move to Stage Two of the complaints procedure. Should any individual fail to attend their scheduled meeting with the committee or not cooperate in scheduling a meeting, the committee shall proceed with the available evidence. Records of the meetings will be kept.

3.5.6.2 Stage Two - Mediated Resolution

The complainant may direct the committee to request that the respondent attend a mediated session to resolve the complaint. One member of the committee will be chosen by the committee members to act as the facilitator/mediator. A majority of committee members will be present at the meeting. Successful mediation of the complaint will result in a written agreement between the complainant and respondent, signed by both, and witnessed by a majority of the committee members. The committee will monitor the fulfillment of any conditions of the agreement. If the respondent refuses to participate in a mediated session or the mediated session is unsuccessful, then the complainant may request that Stage Three of the complaints protocol be initiated.

3.5.6.3 Stage Three - Committee Decision

At this point in the complaints procedure, the committee is responsible for determining:

- the accuracy of the statements provided by the complainant, respondent and witnesses
- whether there is sufficient evidence to support the complaint
- the severity, duration and consequences of the harassment
- the probability of continued harassment and the safety and health of the complainant and other members
- any non-disciplinary or disciplinary actions to be taken