McMaster Students Union

Workplace Anti-Violence, Harassment, and Sexual Harassment Policy

Prevention and Response Plan

Approved BOD 16-32, 17-02
STATEMENT OF COMMITMENT

The McMaster Students Union is committed to providing an environment in which all workers are treated with respect and dignity. This policy reflects the MSU’s commitment to providing a harassment, discrimination, and violence free environment for its hired, elected, and volunteer positions, and those who encounter the individuals within those positions.

This policy is intended to govern the conduct of MSU staff in relation to other staff, volunteers, and the workplace environment. This policy applies to the interaction of staff and MSU representatives at MSU functions both inside and outside of MSU space. This policy also applies to MSU volunteers. Everyone is expected to uphold this policy and to work together to prevent workplace violence, harassment, and discrimination. This policy applies to the MSU, MSU Incorporated, and CFMU Incorporated.

Our Workplace Anti-violence, Harassment, and Sexual Harassment Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds inoffensive, others may not. Usually, harassment can be easily distinguished from normal, mutually acceptable socializing. It is important to remember that it is the perception of the receiver that determines whether the potentially offensive message is acceptable or not, be it spoken, gestural, pictorial, or some other form of communication, which may be deemed objectionable or unwelcome.

Discrimination, violence, and harassment of any kind will not be tolerated by any person in the workplace.

DEFINITIONS

**Discrimination** means any action which denies, or has the effect of denying, any goods, services, benefits, opportunities, and/or facilities provided by the MSU on the basis of a prohibited ground of discrimination and includes any act of communication, whether oral, written, electronic, or non-verbal, which lacks any redeeming artistic, intellectual, or literary merit and which promotes disrespect or intolerance for any person(s) based on a prohibited grounds of discrimination. Discrimination may be either indirect (constructive) or direct.

**Prohibited grounds of discrimination** are articulated in the Ontario Human Rights Code and described in the Occupational Health and Safety Act. These include: age, ancestry, colour, race, citizenship, place of origin, ethnic origin, creed (religion), disability, family status, marital status (including single status), gender identity and gender expression, receipt of public assistance, record of offenses, sex (including pregnancy and breastfeeding), and sexual orientation.

Prohibited grounds for discrimination and/or harassment also include: language, accent or dialect, except where this may interfere with legitimate requirements of employment; political belief; membership or non-membership in a political organization; membership or non-membership in a trade-union, employee/employer organization; and employee group status

**Indirect (constructive) discrimination** results when the application of established practices and/or policies, in effect, negatively and directly impacts a particular group on the basis of a prohibited ground of discrimination.

**Direct discrimination** means an act, behaviour, or practice of treating a person unequally on the basis of prohibited grounds of discrimination. Direct discrimination may be overt or covert, admitted or denied.
**Harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought to be reasonably known to be unwelcome or workplace sexual harassment. “Vexatious” comment or conduct is comment or conduct made without reasonable cause or excuse. Harassment includes sexual and/or gender based-harassment.

**Sexual and/or Gender-Based harassment** means:

a) engaging in a course of vexatious comment or conduct against a working in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Sexual and/or gender-based harassment includes, but is not limited to:

a) any reward/promise of reward, whether explicit or implicit, for complying with a sexual solicitation or advance; demands for dates or sexual favours; or propositions of physical intimacy;

b) any reprisal or threat of reprisal, whether explicit or implicit, for refusing to comply with any sexual solicitation or advance;

c) any form of sexual exploitation, or conduct that takes non-consensual sexual advantage of someone;

d) unwelcome gender-related comments about a person’s physical characteristics, mannerisms, gender identity or expression; and

e) gender-related verbal abuse, threats or taunting.

Such harassment may involve one incident or a series of incidents.

**Workplace Violence** means:

a) the exercise or attempted exercise of physical force by a person against a worker, in a workplace, that causes or may cause personal injury to the worker such as:
   - hitting, shoving, pushing, kicking, sexual assault, throwing an object at a worker, kicking an object the worker is standing on such as a ladder, or trying to run down a worker using a vehicle or equipment such as a forklift;

b) a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker such as;

c) domestic violence in the workplace.

Workplace violence also includes disruptive behaviour that is not appropriate to the workplace, such as yelling or swearing.

**Domestic Violence** is deliberate and purposeful violence, abuse and intimidation perpetrated by one person against another in an intimate relationship. It occurs between two persons where one has power over the other, causing fear, physical and/or psychological harm. It may be a single act or a series of acts forming a pattern of abuse. Children and young people may experience harm by being exposed to violence in adult relationships, being the direct victims of violence, or a combination of the two.

**EXPECTATIONS & RESPONSIBILITIES OF THE MSU**
The McMaster Students Union shall:

a) Promote and support employment practices and volunteer opportunities free from harassment, discrimination, and violence;
b) Take reasonable precautions to protect employees and volunteers from workplace violence, harassment, and sexual harassment;
c) Take every precaution reasonable in the circumstances to protect any workers subject to the threat of domestic violence in the workplace;
d) Notify appropriately affected employees of other potentially violent employees or persons associated with the MSU;
e) Ensure workers and supervisors receive appropriate information and instruction on the contents of the policy and program. The program includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance and a process for workers to report incidents or raise concerns;
f) Investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law;
g) Ensure that workers are not to be penalized or disciplined for reporting an incident or participating in an investigation involving workplace harassment;
h) Ensure this policy and supporting programs are implemented and maintained. As required by the Occupational Health and Safety Act, this policy will be reviewed annually and will be posted in a conspicuous place in the workplace.

EXPECTATIONS & RESPONSIBILITIES OF STAFF AND VOLUNTEERS

All staff and volunteers shall:

a) Ensure that all individuals dealt with are treated with dignity and respect, and are not exposed to harassment or discrimination as prohibited by the Human Rights Code;
b) Encourage, recognize, and support the use of gender-inclusive language and non-discriminatory language;
c) Maintain a respectful tone and use respectful language in all interpersonal interactions regardless of the subject matter being discussed;
d) Treat all people equally and fairly, according to the circumstances, and respect each individual’s personal space and belongings;
e) Not ignore threatening or violent behaviour. If you witness or experience violence or threats of violence, or feel that a colleague, student, or visitor is likely to become violent, report the situation to a manager or supervisor, person in authority, or McMaster Security Services;
f) Report any incidents of workplace harassment to the appropriate person. Please refer to the Workplace Anti-Violence, Harassment, And Sexual Harassment Program for steps and appropriate contacts.
g) Comply with any applicable code of conduct of the MSU or McMaster University outside of this policy.
   ○ This policy is not intended to be applied to general student-to-student or student-to-University contact within McMaster University nor within the MSU.
REPORTING WORKPLACE VIOLENCE, HARASSMENT, OR SEXUAL HARASSMENT

An incident or complaint of workplace discrimination, harassment, or violence should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report an incident or complaint to Jess Bauman, Operations Coordinator, at ops@msu.mcmaster.ca or 905-525-9140 x26255 or John McGowan, General Manager, at gm@msu.mcmaster.ca or 905-525-9140 x24111.

If the employer (e.g. General Manager, Board of Directors) is the person engaging in the discrimination, harassment, or violence, contact the University Ombuds at ombuds@mcmaster.ca or 905-525-9140 x26414.

The Operations Coordinator shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complain involves the General Manager or Board of Directors, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complains shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

SPECIAL CIRCUMSTANCES

Should an employee have a legal court order or restrictions placed by McMaster Security Services or the office of Student Support and Case Management (e.g., a restraining order, restrictions on entering spaces, or “no-contact” order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Human Resources department. This will be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at the MSU, in direct violation of the court order, so that the MSU may take all reasonable actions to protect the employee. Such information shall be kept confidential and protected in accordance with all applicable legislation.

If any visitor to the MSU is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against an employee or another individual, employees are required to immediately contact McMaster Security Services by dialing ‘88’ from a campus phone, emergency response services by dialing ‘911’ from any phone, followed by their immediate supervisor.

All records of harassment and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, McMaster Students Union Inc (MSU) will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

FRAUDULENT OR MALICIOUS COMPLAINTS
This Anti-Violence, Harassment, and Sexual Harassment Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of personal harassment may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken.
WORKPLACE ANTI-VIOLENCE, HARASSMENT, AND SEXUAL HARASSMENT PROGRAM

PROGRAM INTENT

The intent of this program is to provide procedural guidance in support of the MSU’s Anti-Violence, Harassment, and Sexual Harassment policy.

The following information is provided in this document:
I. Measures for Assessing Risk of Violence in the Workplace
II. Measures and Procedures for Summoning immediate Assistance
III. How to Report Incidents of Workplace Violence, Harassment, or Sexual Harassment
IV. How the MSU will Investigate Incidents or Complaints
V. Resources – Violence in the Workplace

Appendices: Reporting and Investigation Templates

I. Measures for Assessing Risk of Violence in the Workplace

1. General Risk Assessment Measures

The main campus of McMaster University and its buildings have been audited against Crime Prevention through Environmental Design (CEPTD) standards. Red Assistance Pole surveys are conducted on a regular basis and upgrades in the quality and number of phones are ongoing. Surveys include the functionality of the communication devices, both PA and two-way communication with Security dispatch, light beacons, and the closed circuit television cameras (CCTVs). Results of the assessments are provided to the University’s Joint Health and Safety Committee upon request. The MSU supports the University’s security measures on campus.

The MSU may request incident based security and crime prevention assessments from Security and Parking Services. These reviews may be performed on a case by case basis.

Department managers may also identify violence as a risk when conducting a Job Hazard Analysis for an existing or new position within their department. Specific controls must be implemented to control such risks, which may include, but are not limited to: physical upgrades to the workplace such as panic alarms or physical barriers, specific procedures such as emergency response or working alone.

The MSU will conduct a risk assessment no less than once every three years, or at the request of the Joint Health and Safety Committee.

2. Work Refusals

The MSU recognizes a worker’s right to execute a work refusal when workplace violence is likely to endanger the worker. The MSU will refer to the Occupational Health and Safety Act when dealing with work refusals.

3. Dealing with highly sensitive or controversial personal matters

The MSU operates the Peer Support Line (PSL), which serves students and staff who are in crisis. The MSU provides an Employee Assitances Plan (EAP) to its full time staff to aid employees in crisis. A Student Assistance Program (SAP) is available to all students who have remained enrolled in the MSU’s health plan.
Individuals may also choose to seek attention from their family physician or other professionals, including those at the campus student wellness centre.

4. Handling or Security Cash or other Valuables

The MSU schedules at least two employees per shift when cash is being handled. All staff will be encouraged to perform cash drops as needed.

The MSU ensures that there is a secure location available for all cash deposits. If a staff member feels unsafe, they should contact McMaster Security and Parking Services for assistance.

5. Making Decisions which Impact Employment or Volunteer Status

Prior to making decisions that impact employment or volunteer status, the Operations Coordinator and/or General Manager and/or Vice-President (Administration) will provide specific guidance to the department manager. Department managers looking to make these types of changes should contact their supervisor. The supervisor may then be asked to perform a risk assessment.

6. Dealing with Unstable/Volatile Individuals

During the event planning process, if an event is considered a “high-risk” event (due to the expected number of volunteers, content, presence of alcohol etc.), the MSU will be proactive and will provide licensed security for the event.

Security and Parking Services should be contacted for support and assistance in dealing with unstable or volatile individuals who are violent or pose an immediate threat of violence.

II. Measures and Procedures for Summoning Immediate Assistance

1. Emergency Contact Resources

All landline communications of the MSU that are located on McMaster University’s main campus have direct communication with McMaster Security and Parking Services by dialing “88”. Panic buttons are located in key areas of the organization. Across campus, all staff can access the Red Assistance Poles, which provide the opportunity for direct contact to Security Dispatch and for the immediate dispatching of Special Constables to the area in the event of an emergency. The systems are equipped with lights, beacons, PA systems, and direct two-way communications.

The MSU has partnered with McMaster University to establish an emergency mass notification system. This is activated by the McMaster University Crisis Management Team and includes SMS notifications and notice posted on the campus screens network.

If unable to contact Security Services or activate a Red Assistance Pole, an employee should dial 9-1-1 to be connected with Hamilton first responders.

2. Information, Instruction, and Communication of Risk Assessments and Outcomes

Communication in regards to the risk assessment and outcomes will be dealt with on a case-by-case basis. Any communication on a risk assessment will be completed in compliance with the Occupational Health and Safety Act, which states:
3. Provision of information

Under the *Occupational Health and Safety Act*, the MSU has a duty to provide information to a worker, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if:

- The worker can be expected to encounter that person in the course of his or her work; and
- The risk of workplace violence is likely to expose the worker to physical injury.

The MSU will not disclose more personal information than is reasonably necessary to protect the worker from physical injury.

III. How to Report Incidents of Workplace Violence, Harassment, or Sexual Harassment

1. Informal Procedure

If you believe you have been personally harassed you may:
- Confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the harasser’s supervisor, your supervisor or any other supervisor other than your own.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to your supervisor or manager, or to another member of management if the complaint relates to your supervisor or manager.

2. Formal Procedure

If you believe you have been personally harassed, you may make a written complaint. The written complaint must be delivered to the Operations Coordinator or the General Manager. Your complaint should include:
- The approximate date and time of each incident you wish to report;
- The name of the person or persons involved in each incident;
- The name of any person or persons who witnessed each incident; and
- A full description of what occurred in each incident.

Workers can report incidents or complaints verbally or in writing. When submitting a written complaint, please use the complaint form (see attached). When reporting verbally, the reporting contact, along with the worker complaining of discrimination, harassment, or violence, will fill out the complaint form.

3. Who to Report To

An incident or complaint of workplace discrimination, harassment, or violence should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report an incident or complaint to Jess Bauman, Operations Coordinator, at ops@msu.mcmaster.ca or 905-525-9140 x26255 or John McGowan, General Manager, at gm@msu.mcmaster.ca or 905-525-9140 x24111.
If the employer (e.g. General Manager, Board of Directors) is the person engaging in the discrimination, harassment, or violence, contact the University Ombuds at ombuds@mcmaster.ca or 905-525-9140 x26414.

The Operations Coordinator shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves the General Manager or Board of Directors, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

IV. How the MSU will Investigate Incidents or Complaints of Workplace Violence, Harassment, or Sexual Harassment

1. Investigating Reports of Discrimination or Harassment

The McMaster Students Union will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment. Harassment should not be ignored, as silence can and often is interpreted as acceptance. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

The Operations Coordinator will determine who will conduct the investigation into the incident or complaint. If the allegations involve the General Manager or Board of Directors, the MSU will refer the investigation to an external investigator to conduct an impartial investigation. The MSU commits to ensuring appropriate resources will be allocated for all investigations.

The investigation will be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

The MSU will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

For the purposes of this section, the following definitions apply:

Complainant is the person who has made a complaint about another individual whom they believe committed an act of violence, discrimination, or harassment against them.

Respondent is the person whom another individual has accused of committing an act of violence, discrimination, or harassment.

The investigation will include:
- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses; and
 Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant’s allegations, is then provided to the respondent.

- The respondent is invited to reply in writing to the complainant’s allegations, and the reply will be made known to the complainant before the investigation proceeds further.
- The company will protect from unnecessary disclosure the details of the incident being investigated and the identities of the complainant and the respondent.
- During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and documented, and a decision will be made.
- If necessary, the company may employ outside assistance or request the use of legal counsel.
- Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed.
- Within 10 business days of the investigation being completed, the MSU will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

If the complainant decides not to lay a formal complaint, senior management may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible.

2. Confidentiality

The McMaster Students Union will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. McMaster Students Union Inc (MSU) will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the company and will be proportional to the seriousness of the behaviour concerned.

The MSU will also provide appropriate assistance to any employee who is the victim of violence, discrimination, or harassment.

While the investigation is on-going, the worker who has allegedly experienced discrimination, harassment, or violence, the respondent and any witnesses should not discuss the incident or complaint or investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

3. Disciplinary Measures
If it is determined by the company that any employee has been involved in a violent behaviour, unacceptable conduct, or harassment of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning, or dismissal.

V. Resources – Violence in the Workplace

MSU Provided Services

**Student Assistance Program (SAP)** – The Student Assistance Program is a free, confidential, and voluntary program available to McMaster student, their roommates, and parents. The program is accessible by phone 24/7 year round and toll free at 1-877-234-5327. Calls are answered by master's level counselors, of which there are speakers of 180 different languages and dialects. Counselling is also offered over the internet and through the iAspiria app. Counseling support is then received by in-person counseling, e-mail exchange, video or telephone. Counsellors are trained in Critical Incident debriefing, Community Crisis Response, and General Trauma Interventions.

**Employee Assistance Program (EAP)** – The Employee Assistance Program is a free, confidential, and voluntary program available to eligible full time staff and their dependents through the MSU’s benefit provider. This is a professional service that offers counselling, coaching, information, and support for all types of issues relating to: mental health, career, life balance, health management, and achieving greater personal well-being. Support is available face-to-face, over the phone, via video conferences, or via private chat platforms.

**Emergency First Response Team (EFRT)** - The Emergency First Response Team (EFRT) is on call 24 hours a day, 7 days a week during the school year. It responds to any medical emergency on campus in teams of three in 2-3 minutes. Connect with EFRT by dialing ‘88’ from any campus phone.

EFRT responders are certified as Canadian Red Cross Emergency Medical Responders with second year members having completing the International Trauma Life Support course, and some senior members with Advanced Medical Life Support.

**Peer Support Line (PSL)** - The Peer Support Line is an anonymous and confidential phone line and online chat service that any McMaster student may access to talk about anything they would like to discuss.

PSL operates from 7pm to 1am during the school year, and can be reached by both on and off campus members of the community at 905-525-9140 ext 28888. PSL Also operates a chat service that can be accessed via www.msumcmaster.ca/pls – no log in is required to access the chat service.

Peer Support Line Listeners are trained student volunteers who will listen to what you have to say and provide you with non-judgemental emotional support. Peer Listeners can also provide information regarding on-campus or off-campus resources that may be helpful to you. Anything discussed during calls or chats will remain confidential within the Line. Peer Listeners do not use call display and will not ask you for any personal information, unless there are concerns for your immediate safety or the safety of others.

**Student Walk Home Attendant Team (SWHAT)** - Volunteer teams of one male and one female provide safe, friendly accompaniment for any member of the McMaster community (students, staff, faculty, visitors) who calls in for a walk. SWHAT will also accompany community members on the bus. All members will have nametags for identification and are equipped with a flashlight.
and a radio to allow communication with the SWHAT office and McMaster Security Services as required.

**Queer Students Community Centre (QSCC)** – The knowledge our volunteers have gained by living as members of LGBTT12SQQQA communities can be instrumental in guiding other LGBTT12SQQQA-identified people through the process of solving their own problems and improving their own lives through peer support.

QSCC will also support campus community members with submitting a confidential incident report. If you feel as though you have been discriminated against on the grounds of gender or sexuality, email qscc@msu.mcmaster.ca. If you require further support or would like your issue addressed in a more direct fashion, QSCC will accompany you to the Equity and Inclusion Office (formerly Human Rights and Equity Services) to meet with an advisor, assist you in finding supports, or connect you with one of QSCC’s peer support volunteers.

**Women and Gender Equity Network (WGEN)** – WGEN provides a safe(r) space for women, transfolk, people who identify outside the gender binary, and all survivors of sexual violence and assault. WGEN volunteers are trained to provide peer support as well as providing resources and referrals.

**McMaster University Provided Services**

The **Ombuds Office** provides confidential advice and assistance to all members of the University community. The Ombuds Office reports directly to the President of the University and the President of the McMaster Students Union (MSU) and is otherwise not a University office as it is independent of all existing administrative structures. Notwithstanding the foregoing, the Ombudsperson is not required to maintain confidentiality in cases involving the commission or a serious crime or where there is an imminent risk of physical harm or abuse.

The **Equity and Inclusion Office** is an office of McMaster University with a particular responsibility for fostering a discrimination and harassment free environment for all members of the University community. In the absence of direct responsibility for, or reporting relationships to, community members in their roles as employees or students, it offers an important neutral space to which concerns/complaints of discrimination and/or harassment can be safely brought forward.

Assurance of confidentiality is crucial to the Equity and Inclusion Office’s operation and is offered with the exception of the following limitations:

a) if the health and/or safety of an individual or group may be at risk; or
b) if the University is subject to legal proceedings that in the opinion of the Provost and Vice-President (Academic) or the Vice-President (Administration), (in consultation with the University President) require the disclosure of information; or
c) if disclosure of information is required at law, e.g. as required by the Occupational Health and Safety Act.

**McMaster University Security and Parking Services** – The primary responsibility for protection of persons and property within the McMaster Main Campus community is assigned to the Security and Parking Services Department. Methods and approaches to assist in achieving a safe and secure environment are developed through prevention programs and law enforcement in concert with the community. Security and Parking Services provides immediate emergency response to all calls involving violence or the threat of violence.
The main campus Security and Parking Services department provides regular patrols, emergency response and other crime prevention services upon request. Security Services is linked via a central emergency dispatcher who monitors all emergency response devices including fire alarm systems, emergency poles, panic buttons, and the all purpose Dial ext. 88 emergency number. The dispatcher also provides monitoring of the CCTVs located around campus. Security Services patrol standards are governed and documented within the Security Services Operational Controls Manual.

Onsite Special Constables respond immediately to all reported threats or acts of violence. Security Services Constables will also request the aid of Hamilton Police Services when needed. Specific procedures, training and equipment have been established for a campus wide lock down procedure.

**Student Wellness Centre** – SWC provides amongst other services, personal counseling for students in distress or facing crisis.

**Environmental & Occupational Health Support Services (EOHSS)** - is a team of health, safety and risk management specialists committed to supporting the University’s commitment to creativity, innovation and excellence, and strive to achieve these standards in the areas of environmental and occupational health, safety, risk management, loss prevention and mitigation. Providing professional and technical support to stakeholders across the University community, EOHSS provides support services and leadership to assist in the continued development and maintenance of an effective Internal Responsibility System.

**Event Management** – Individuals holding events on campus are required to abide by specific booking procedures, or in the event that the booking agent is internal, specific risk management protocols are required under the McMaster University Senate Policy on Student Event Risk Management. Notifications are made via the EOHSS office to internal and external partners when high-risk events are identified.

**Residence Life** - Residence Life supports student success by encouraging growth, educating character and enhancing the University experience.

**Student Support and Case Management** - Judicial Affairs is a unit within Student Affairs that promotes student rights and responsibilities through the administration of the Student Code of Conduct, Residence Code of Conduct and the Athletic Code of Conduct.

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**APPENDIX A – HARRASSMENT COMPLAINT FORM**

<p>| Name of Complainant: |  |</p>
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<th>Incidents</th>
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<td>Did anyone witness the incident?</td>
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<td>YES</td>
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If YES | Name of witness(es):

Description of their respective role in the incident:

How did you react to the harassment?

If applicable, describe any incident that took place previously:

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I am filing this complaint because I honestly believe that _________________ has been harassing me.

I hereby certify that to the best of my knowledge the above-mentioned information is true, accurate and complete. Making false or frivolous allegations is in violation of this policy and subject to disciplinary sanctions.

Furthermore, I realize that an inquiry will be initiated once this complaint has been filed.

Signature of the complainant ___________________________ Date ___________________________

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**APPENDIX B – VIOLENCE INCIDENT REPORT FORM**

This form is to be completed in the event of any incident of violence that takes place in MSU space, and may include threats of violence, bullying, and physical violence.
| Name of Complainant: |  |
| Location of Incident: |  |
| Person(s) accused of perpetrating a violent incident or making threats of violence (respondent): |  |

### Nature of the allegations

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<th>Incident</th>
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<th>Did anyone witness the incident?</th>
<th>?</th>
<th>YES</th>
<th>?</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>If YES</td>
<td>Name of witness(es):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description of their respective role in the incident:</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>What actions did you take in response to the incident?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If applicable, describe any incident that took place previously:</td>
<td></td>
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</tbody>
</table>

I am filing this complaint because I honestly believe that ______________________ has committed an act of violence.

I hereby certify that to the best of my knowledge the above-mentioned information is true, accurate and complete. Making false or frivolous allegations is in violation of this policy and subject to disciplinary sanctions.

Furthermore, I realize that an inquiry will be initiated once this report has been filed.

______________________________  ________________________________
Signature of the complainant    Date

**APPENDIX C – INVESTIGATION CHECKLIST**

1. Obtain a description of the incident / claim
Use active listening. Ensure the employee provides full disclosure of the event/incident(s), and engage them in conversation. Avoid comments that deflect the seriousness of the charge.

- Acknowledge the difficulty associated with coming forward, and thank them for their candor.
- Maintain a professional attitude.
- Gather all pertinent facts, and avoid making any judgment.
- Obtain a written, signed, and dated statement from the complainant.
- Ask who, what, when, where, why, and how. Determine the threat of retaliation, either real or perceived.
- Ask the employee how they would like to see the problem resolved.
- Inform the employee that they may wish to file a complaint with the authorities.

2. Conduct an Investigation Into the Incident / Claim

- Investigate immediately. Delaying or extending an investigation can cause witness testimony to become increasingly unreliable.
- Tread carefully: The manner in which the investigation is conducted may constitute grounds for a hostile environment claim.
- Diligent documentation of each step is required.
- Treat all claims seriously.
- Maintain confidentiality. Emphasize to those involved that your discussions are not to be shared with any unconcerned parties. Warn of possible disciplinary action associated with the spread of rumors, slander, or hearsay if necessary.
- Limit the number of persons who have access to the information. Communicate strictly on a "need to know" basis.
- The purpose of the investigation is to gather facts, not disseminate allegations. Avoid any leading questions that might compromise the investigation, and focus more on generalities.
- In the event that more than one allegation has been made, handle each one separately.
- To avoid defamation liability, never broadcast the facts of a given situation or the results as an example to others or as a training tool.
- Document all information appropriately.
- Contact the authorities where appropriate.

3. Interviewing the Complainant

- Obtain specific details. Determine complainant wants and needs.
- Determine any potential pattern involved, episodes or similar behaviour toward another employee, or if it was an singular incident.
- Identify any contextual information wherein the conduct occurred. Where? What time?
- Determine the long and short-term effects of the conduct on the complainant. These may include economic, non-economic and/or psychological.
- Identify any reporting relationships, or hierarchical structure that may have influenced the incident(s).
- Prepare a detailed time-line of events. What were the job duties of each party at the time of the incident.
- Analyze the possibility that certain events may have triggered the complaint, i.e. promotion, pay or transfer denial.
- Examine the potential of a charge made under false pretenses, and any motivating factors that may be involved. Work to rule out these potential elements.
- Assure the complainant that he or she will not be retaliated against for making the complaint.
- Obtain a written, signed, and dated statement from the complainant.
- Avoid making any statements about the accused employee’s character, job performance, or family life.

4. Interview the Respondent

- Obtain a written, signed, and dated statement from the respondent.
- Describe the details of the accusation, and ask for clarification on any discrepancies between the two statements.
- Identify any reporting relationships or hierarchical structures that exist between the respondent and the complainant.
- If the respondent was a supervisor, indicate their job title, obtain a copy of their job description, and determine their specific duties at the time of the alleged harassment.
- Determine whether the accused directed, or had responsibility for the work of other employees or the complainant, had authority to recommend employment decisions affecting others or was responsible for the maintenance or administration of the records of others.
- The accused individual will likely deny the charges. Carefully observe the reaction, noting any elements of surprise, anger, or disbelief. Describe the details of the allegation and note the areas of disagreement between the testimonies supplied by both parties. If the accused denies the allegations, determine with the background, rationale, and motivation that could possibly have triggered the complaint.

5. Interviewing Witnesses

- Obtain statements from any witnesses that either support or deny any of the allegations made.
- Assure all witnesses that their cooperation is important, that their statements are confidential and that they will not be retaliated against for testifying.

6. Resolve the Complaint

- Apologize for the incident occurring (if appropriate).
- If the complainant requires a transfer, obtain their consent and ensure that the transfer position is similar to their prior position, without any new negative aspects, e.g. less desirable location or hours of work. This will help to ensure that the complainant is not being illegally punished for reporting discrimination or harassment.
- The severity, frequency and pervasiveness of the conduct should be taken into consideration when imposing corrective action or discipline on the accused. There are several disciplinary options available, including:
  - oral and written warning
  - reprimand
  - suspension
  - probation
  - transfer
  - demotion
  - termination of employment
- When imposing discipline on the accused, any forms of discipline short of discharge should be accompanied by a warning that any reoccurrence of misconduct may result in immediate discharge. If no discipline is imposed, document the rationale.
- Re-communicate your policy on sexual harassment, and provide counseling and training on sexual harassment, if appropriate.
- Carefully and fully document the investigation, the discipline imposed, and any remedial or preventative steps taken.
- Conduct follow-up interviews with the parties to inform them of the actions taken.

**APPENDIX D – INVESTIGATION FOLLOW-UP FORM**

<table>
<thead>
<tr>
<th>Complainant’s Name</th>
<th>Complainant’s Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent’s Name</td>
<td>Respondent’s Position</td>
</tr>
<tr>
<td>Date of the Incident(s)</td>
<td>Date of Formal Accusation</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Accusation Received By:</td>
<td></td>
</tr>
<tr>
<td>- Operations Coordinator</td>
<td></td>
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<tr>
<td>- Supervisor</td>
<td></td>
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<tr>
<td>- JHSC</td>
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<tr>
<td>Investigation Completed:</td>
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</tr>
<tr>
<td>- Yes</td>
<td></td>
</tr>
<tr>
<td>- No</td>
<td></td>
</tr>
<tr>
<td>Findings (Results) from Investigation:</td>
<td></td>
</tr>
<tr>
<td>Action Taken:</td>
<td></td>
</tr>
</tbody>
</table>