



POLICY: PSYCHOLOGICAL OR SEXUAL HARRASMENT AND THE HANDLING OF COMPLAINTS

Policy	Psychological or Sexual Harassment and the Handling of Complaints
Approved By	Board of Governors
Last Update	February 15, 2024
Applies To	Students, Faculty, Staff, Board of Governors, Program participants

1. Section 1 — Objectives of the Policy

1.1 It is the policy of the Presbyterian College that psychological or sexual harassment by any persons associated with the Presbyterian College will not be tolerated. The Presbyterian College will take reasonable action to prevent sexual and psychological harassment and, whenever it becomes aware of such behaviour, to put an end to it.

2. Section 2 — Scope of the Policy

2.1. This policy concerning psychological or sexual harassment and the handling of complaints applies to students of the college, students living in the residence of the college, staff, faculty, volunteers, and members of the Board of Governors (members of the Presbyterian College community).

2.2. The policy applies in all areas and contexts of the Presbyterian College, including:

- (i) on college premises;
- (ii) within a college-sponsored program, event, or activity, whether on college premises, off college premises, or in an online context;
- (iii) communications by any means, technological or otherwise (e.g. social media, e-mail, text messaging, posters, letters, etc.).

3. Section 3 — Definitions

3.1. “Advisor” is a person assigned to a Reporter or Respondent to provide advice related to the procedures of this Policy. Advisors are not paid for their services.

3.2. “Consent” means active agreement between persons to engage in sexual activity together.

3.3. “Days” are business days.

3.4. “Pastoral Care” is spiritual support that may be provided, by a qualified individual, to a Reporter or Respondent in the context of the procedures related to this Policy.



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3.5. “Psychological harassment” is defined as 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, educational, or social environment. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature. A single serious incidence of such behaviour that has a lasting harmful effect on a person may also constitute psychological harassment. Discriminatory harassment, defined as harassment which is based on a prohibited ground set out at Article 10 of the *Charter of Human Rights and Freedoms*, also constitutes psychological harassment, for the purposes of this policy. Those prohibited grounds are:

- Race;
- Colour;
- Sex;
- Gender identity or expression;
- Pregnancy;
- Sexual orientation;
- Civil status;
- Age except as provided by law;
- Religion;
- Political convictions;
- Language;
- Ethnic or national origin;
- Social condition; and,
- Handicap or the use of any means to palliate a handicap

Behaviors that could be linked to psychological harassment include: intimidation and cyberbullying; threats and isolation; offensive or defamatory remarks or gestures about a person or their work; verbal abuse; and denigration.

3.6. “Report” means a written allegation of psychological or sexual harassment filed with the Principal or other relevant authority, by a member of the Presbyterian College community.

3.7. “Reporter” means a member of the Presbyterian College community, or another person who participates in some activity or program of The Presbyterian College, who considers that they are the object of sexual or psychological harassment as defined by the Policy, and who has filed a Report against a member of the Presbyterian College community in accordance with this Policy.



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- 3.8. “Respondent” means a member of the Presbyterian College community against whom a Report has been filed in accordance with this Policy.
- 3.9. “Sexual harassment” is any unwanted sexual communication or attention that is offensive, intimidating, or humiliating. It can take verbal, written, and/or visual form. It may include psychological violence, verbal abuse, manipulation, and coercion. Generally, harassment is repeated behaviour but one-time incidents may also constitute harassment.

Sexual harassment includes unwanted sexual statements and advances: sexual or “dirty” jokes, comments on physical attributes and appearance, spreading rumours about sexual activity, talking about sexual activity in front of others, displaying and/or distributing sexually explicit images or materials. Unsolicited touching of a sexual nature and exposure of oneself for others to view are also considered harassment.

Sexual harassment includes unwanted personal attention such as emails, phone calls, text messages, visits, pressure for unnecessary personal interactions and pressure for dates where sexual or romantic intent appears evident but is unwanted.

4. Section 4 — Policy Statement

- 4.1. All complaints of psychological or sexual harassment and the handling of complaints will be taken seriously. Every complaint will be received and acted upon in accordance with the terms of this policy.
- 4.2. The person complained against is always presumed innocent until proven guilty.
- 4.3. The protection of children is a priority. In accordance with civil law, any complaint of child abuse must be reported to the child protection agency (CPEJ - Centre de protection de l'enfance et de la jeunesse) immediately.
- 4.4. An employee who alleges they have been psychologically or sexually harassed shall be informed of the right to seek assistance of, and take their complaint to, CNESST (Commission des normes, d'équité, de la santé et de la sécurité du travail), as applicable.
- 4.5. Physical or sexual assault is grounds for a complaint of harassment. However, as this is a criminal act the Reporter should also be advised of their right to report the incident to the police.
- 4.6. Given that the relationship between faculty members or instructors and students is one of unequal power and trust, consent to sexual activity does not exist in any such



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relationship. Any sexual contact between a faculty member or instructor and a student is an instance of sexual abuse or harassment.

5. Section 5 — Expectations of Staff or Members of the Presbyterian College Community

- 5.1. It is expected that students, staff, faculty and volunteers, as well members of the Board of Governors, shall contribute to maintaining a harassment-free workplace; respect individuals in the course of their work; participate in the mechanisms put in place by the Presbyterian College to prevent and stop harassment; and report any harassment-related situation as soon as possible in the format designated by the Presbyterian College.

6. Section 6 — Handling Complaints and Reports

- 6.1. If a member of the Presbyterian College feels that they have been subjected to psychological or sexual harassment, that member may choose to inform the Principal verbally or in writing with a view to mediation. The Principal may deploy a mediation process, as agreed to by both parties, or may determine that mediation is not appropriate and so request a written Report from the member.
- 6.2. If a member of the Presbyterian College feels they have been subjected to psychological or sexual harassment, and that member does not wish to follow a mediation process they are obliged to submit a written Report to the Principal in order for their complaint to be addressed.
- 6.3. The Report must set out in sufficient detail, in writing: the act(s) or omissions that the Reporter experienced as Harassment, the identity of the Respondent(s), information about the incident(s) (e.g., time(s), location(s)), and any additional relevant information.
- 6.4. Upon receipt of a written report, the Principal will acknowledge receipt within 5 days. The Principal will then conduct an initial review to determine whether:
- (i) The Report falls within the Policy's scope and jurisdiction
 - (ii) There is sufficient information to conduct a fair investigation
 - (iii) Immediate measures, as deemed appropriate by the Principal, may be warranted at that time.

The Principal will advise the Executive Committee (in the case of an Employee) or the Faculty Committee (in any other case) of the receipt of a Report and the decision whether an investigation is warranted.



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- 6.5. If the Principal determines that investigation is warranted, the Principal shall ensure that the Reporter and Respondent have the support of an Advisor and/or of Pastoral Care as appropriate.
- 6.6. The Principal may find that immediate measures should be put in place to protect the security or wellbeing of the Reporter and/or the wellbeing of the college community. Such immediate measures must not be interpreted as a finding of guilt or innocence on the part of the Respondent, and may include but are not limited to (with consultation with the relevant authorities, such as CNESST, where appropriate):
- (i) voluntary measures agreed to by the respondent;
 - (ii) administrative arrangements beneficial to all parties
 - (iii) an order to cease and desist from communication
 - (iv) a leave of absence
- 6.7. In the event of a criminal process (with the lay of charges and a criminal trial) against an employee or faculty member of the Presbyterian College community, in relation to any matter of psychological or sexual harassment or abuse, the employee or faculty member shall be placed on a leave of absence, as determined in consultation with the appropriate authorities (CNESST, or the Sexual Abuse and Sexual Harassment policy of The Presbyterian Church in Canada, for example), for the duration of the criminal proceedings. In the event of a paid leave of absence, the right to a paid leave of absence during criminal investigation does not extend to the time period during which the Respondent appeals a criminal conviction.
- 6.8. The Principal may investigate in any manner required to obtain the information that the Principal deems necessary to making the necessary findings of fact. This may include, but is not limited to, the following:
- (i) meeting with and requesting information from the Reporter;
 - (ii) meeting with and requesting information from the Respondent;
 - (iii) meeting with or requesting information from any other individuals who may have information relevant to the Investigation, including, but not limited to any witnesses identified by the Reporter or the Respondent;
 - (iv) obtaining any other evidence (e.g., documents, copies of correspondence, emails, text messages, photos/images) that may be relevant to the investigation.
- 6.9. The Principal shall write a report containing the findings of relevant facts, an articulation of the reasons leading the Principal to a conclusion and the Principal's conclusion as to whether or not the evidence is sufficient to find, on a balance of probabilities, that psychological or sexual harassment occurred. The report may also include a



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recommendation as to whether disciplinary and/or administrative measures should be taken, including a description of the impact of the Harassment on the Reporter.

- 6.10. Upon the completion of an investigation, the Principal shall submit the above report to the Executive Committee (in the case of an Employee) or to the Faculty Committee (in any other case) for approval. The relevant committee may seek further information or clarification prior to approval but shall not reinvestigate the facts of the case.
- 6.11. If the Principal's report, as approved by the relevant committee, determines that the evidence is insufficient to find that psychological or sexual harassment has occurred, the committee shall, within 15 days of receipt of the investigative report, confirm to the parties in writing that the matter is closed.
- 6.12. If the Principal's report determines that the evidence is sufficient to find, on a balance of probabilities, that psychological or sexual harassment has occurred, the relevant committee shall, within 15 days of receipt of the Principal's report, implement appropriate disciplinary or administrative measures. Within 10 days of the implementation of disciplinary measures, the relevant committee shall communicate to the Reporter that disciplinary or administrative measures have been taken.
- 6.13. The Principal's report will be used by the disciplinary authority, with consultation with CNESST if applicable, for the purpose of determining what disciplinary and/or administrative measures are warranted.
- 6.14. Administrative measures include, but are not limited to:
 - (i) education and training
 - (ii) counselling or mentoring
 - (iii) supervision and oversight in relevant environments
 - (iv) structural measures such as reviews of policies or college practices and procedures.
- 6.15. Disciplinary outcomes in the case of a student include, but are not limited to:
 - (i) an admonishment or reprimand
 - (ii) probationary status in an academic program
 - (iii) suspension from an academic program
 - (iv) expulsion from the student residence (in the case of a student living in residence)
 - (v) expulsion from an academic program
- 6.16. Disciplinary outcomes in the case of faculty or staff include, but are not limited to.



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- (i) letter of reprimand
- (ii) suspension without pay
- (iii) termination with reasons

In the case of Reports that were knowingly submitted on a false basis, the college has the right to take disciplinary or other appropriate measures.

- 6.17. In the event that a member of the Presbyterian College community believes they have been subjected to psychological or sexual harassment by the Principal, the Report shall be submitted to the Chair of the Board of Governors, who will take responsibility for the steps identified above in relation to the handling of reports and complaints. The name and contact information of the Chair of the Board of Governors is found on the website of the Presbyterian College, www.presbyteriancollege.ca
- 6.18. In the event that the Chair of the Board of Governors finds that evidence is sufficient to find, on a balance of probabilities, that psychological or sexual harassment has been committed by the Principal, the Executive Committee shall, within 15 days of receipt of the Chair's report, implement appropriate disciplinary or administrative measures. Within 10 days of the implementation of disciplinary measures, the relevant committee shall communicate to the Reporter that disciplinary or administrative measures have been taken.
- 6.19. For any member of staff or faculty of the college who is an ordained minister of The Presbyterian Church in Canada or another Christian denomination, the Executive Committee shall submit the investigative report, as well as a report concerning disciplinary measures implemented, to the relevant adjudicatory body of that staff or faculty member.

7. Section 7 - References:

- 7.1. McGill's Policy on Harassment and Discrimination:
https://www.mcgill.ca/secretariat/files/secretariat/policy_on_harassment_and_discrimination.pdf
- 7.2. Presbyterian Church's Policy for dealing with Sexual Abuse and Sexual Harassment:
<https://presbyterian.ca/wp-content/uploads/SASH-Policy-2022-update.pdf>
- 7.3. CNESST: Commission des normes, d'équité, de la santé et de la sécurité du travail: Guidelines for policy on psychological and sexual harassment:
<https://www.cnesst.gouv.qc.ca>