

CAFCE Fair Treatment Policy

Preamble

Canadian Association for Co-operative Education (CAFCE)

One of the goals of the Canadian Association for Co-operative Education (CAFCE) is to ensure that all members and staff work and volunteer in an environment that is supportive of scholarship, research and the free and open exchange of ideas. CAFCE is committed to creating an atmosphere where all members of the association are treated fairly. The Association strives to protect and promote the dignity of individuals with diverse backgrounds and needs. The Canadian Association for Co-operative Education (CAFCE) is committed to ensuring a work environment that is free from harassment (based on prohibited grounds of discrimination under the various federal and provincial human rights codes).

In support of these goals, abuse, exploitation, harassment, and discrimination must be identified and addressed. Abuse, exploitation, harassment, and discrimination violate fundamental collective and individual rights, dignity and personal integrity.

The purpose of this *Fair Treatment Policy*, further referred to as "Policy" in this document, is to identify the characteristics of abuse, exploitation, harassment, and discrimination and to establish procedures for dealing with them. This Policy is thus designed to educate, and alert all members of the Association to the existence of abuse, exploitation, harassment, and discrimination, their negative impact on interpersonal interactions and on the resources and operation of the Association.

This Policy covers all members of the Association, including the Board of Directors, members and volunteers, and visitors in the performance of their Association-related duties and activities in and out of the CAFCE Head Office. Visitors to the office of the Canadian Association for Co-operative Education are expected to adhere to the provisions of this Policy and may be the subject of a complaint under this Policy.

All office staff, Board of Directors, and members have the responsibility of ensuring that the Association's working environment is free from harassment. Additionally, all employees and volunteers are expected at all times to engage in appropriate business conduct such that a working environment free from harassment is maintained. Anyone known to have engaged in harassment of another person shall be subject to disciplinary action.

Anyone wishing to make a complaint of workplace harassment may do so by contacting CAFCE's President Elect (listed on www.cafce.ca under "About Us-Board of Directors"). Initially discussions of a complaint will be confidential. However, if an investigation is begun, the complainant's identity and the details of the complaint will be made known to the alleged harasser.

As representatives of the Canadian Association for Co-operative Education (CAFCE) and regional associations, volunteer forums for promoting Canadian post-secondary education programs, volunteer members and employees may at times be actively involved in dealing with the public including young people, the elderly, and people with disabilities. As a volunteer association, CAFCE is committed to protecting the interests of all participants in CAFCE activities.

Purpose

The purposes of this Policy are:

1. to increase awareness of and sensitivity to the issues of abuse, exploitation, harassment, and discrimination and their impact on members of the association;
2. to prevent abuse, exploitation, harassment, and discrimination;
3. to provide fair procedures for handling complaints of abuse, exploitation, harassment, and discrimination when they do occur.

Interpretation

This Policy is designed to protect individuals and groups from abuse, exploitation, harassment, and discrimination.

In order to accomplish this, the *Fair Treatment Policy* describes abuse, exploitation, harassment, and discrimination and specifies inappropriate conduct. This Policy is in no way meant to infringe upon or to impede the members' pursuit of positive active learning and working. Nor should abuse, exploitation, harassment, and discrimination be confused with the employer's right to manage or to set standards.

This Policy will not be applied in such a way as to detract from the right of those in supervisory roles to manage and discipline employees and members in accordance with normal association practices. This Policy is not intended to affect any other legal rights of members or staff of the Association or any rights or obligations contained within any existing By-laws, CAFCE Board and Committee Orientation Handbook or approved employee agreement. Notwithstanding the existence of this Policy, every person continues to have the right to seek assistance from internal

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bodies such as Board of Directors or external agencies such as the Canadian Human Rights Commission (<http://www.chrc-ccdp.ca/>), Provincial Human Rights Commission, or the police.

The application of this Policy may be modified in specific circumstances to accommodate existing Association's by-laws and policies.

The Policy is designed to protect individuals from all forms of abuse, exploitation, harassment, and discrimination in or out of the CAFCE National Office.

Definitions

Abuse, exploitation, harassment, and discrimination refers to objectionable conduct or comment directed towards a specified person(s), which serves no legitimate work or educational purpose, and has the effect of creating an intimidating, humiliating, hostile or offensive work or study environment. Harassment is engaging in a course of aggravating comment or conduct that is known, or ought reasonably to be known, to be unwelcome. It involves conduct which tends to interfere with a climate of understanding and mutual respect for the dignity and worth of each person. Some examples of harassment include, but are not limited to:

- be the result of a repeated course of conduct or comment occurring over time; however, in exceptional circumstances, one incident may constitute harassment;
- be expressed verbally, physically or visually;
- come from a colleague, supervisor or subordinate;
- involve one person or a group;
- be either deliberate or unintentional.

The fact that someone did not intend to abuse, exploitation, harassment, and discrimination is no defence to a complaint. Regardless of intent, it is the effect and characteristics of the behaviour that determine whether the behaviour constitutes discrimination or harassment, subject to the test of a reasonable person.

The following are examples of behaviours which may be considered abuse, exploitation and harassment, but are not limited to:

- verbal abuse or threats;
- remarks, jokes, innuendoes, or taunting about a person's body, attire, age, sex, marital status, ethnic or national origin, religion, sexual orientation or any other prohibited ground of discrimination as per the various national and provincial human rights codes, etc.;
- gratuitous and/or inappropriate display of offensive and/or derogatory pictures (e.g. racist, sexist, ageist, etc.);
- practical jokes which demean or degrade;
- repeated unwelcome invitations or requests of a personal nature which produce an intimidating work environment;
- degrading gestures;
- electronic transmission of any of the above;
- condescending or patronising behaviour which intimidates, or which interferes with an individual's ability to work or volunteer;
- unnecessary physical contact.

Sexual harassment is unwelcome conduct or comment of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for its victims.

Some examples of sexual harassment include, but are not limited to:

- Sexist jokes, causing embarrassment or offence, or where they are by their very nature, clearly embarrassing or offensive, whether or not the joker has been so advised;
- Any conduct or comment that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on a person's position, employment or on any opportunity for further personal or professional development, training or promotion within the association;
- Displaying of sexually offensive materials by any means, including electronic;
- Sexually degrading or derogatory words used to describe or directed toward a person;
- Unwelcoming sexual comments, flirtations, advances, contact, attention or propositions;
- A reprisal or threat of reprisal, for rejecting a sexual solicitation or advance.

Abuse of Authority is a form of abuse, exploitation, harassment, and discrimination which refers to an individual's improper use of the power and authority inherent in her or his position:

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- to endanger an employee's job or a member's work career;
- to undermine an employee's or member's work or volunteer performance;
- to interfere unreasonably with the employment or academic career of an individual;
- to threaten unreasonably the economic livelihood of an individual.

Discrimination is any intentional or unintentional act or omission which unreasonably limits access to or results in the loss of opportunities, benefits and advantages available to others to work or to fully participate in the association's activities.

Grounds on which discrimination may be based include but are not limited to those set out in the Canadian and Provincial Human Rights and Act, as follows:

- a. age;
- b. race;
- c. colour;
- d. religion;
- e. creed;
- f. sex;
- g. sexual orientation;
- h. physical or mental disability;
- i. an irrational fear of contracting an illness or disease;
- j. ethnic, national or aboriginal origin;
- k. family status;
- l. marital status;
- m. source of income;
- n. political belief, affiliation or activity;
- o. an individual's association with another individual or class of individuals having characteristics referred to in (a) through (n).

Discrimination imposes burdens, obligations, or disadvantages on specific individuals or groups not imposed upon others.

Procedures

Human Rights Advisor

Under the Policy, the Association shall appoint the President-Elect as its Human Rights Advisor who will report directly to the CAFCE Executive.

This Advisor will be responsible for:

1. providing information and education regarding the Policy to the employees and members of the Association;
2. providing advice and counseling regarding the options available to complainants and respondents using the internal process as well as external avenues of redress;
3. receiving complaints, acknowledging receipt of them and collecting information regarding complaints;

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4. facilitating informal resolution processes.

The Association will ensure that the Human Rights Advisor receives the appropriate information and the Board of Directors support to carry out the responsibilities delegated under this Policy.

Resolution Procedures

Options available to individuals who believe they are being abused, exploited, harassed or discriminated against include:

- Assuming personal responsibility;
- Consultation with supervisor;
- Informal consultation with the Human Rights Advisor;
- Formal complaint procedures.

The following describes each of the above procedures.

Assuming Personal Responsibility

An employee or member who believes that she or he is being abused, exploited, harassed, or discriminated against is encouraged to take personal responsibility by making a direct request to the person who is engaging in the behaviour to cease the offensive and unwelcome comments and/or behaviours. If the request is unsuccessful, or if the employee or member considers it to be unfeasible to make such a request, she or he may seek consultation with her or his supervisor or with the Human Rights Advisor.

Consultation with Supervisor

The Supervisor is obligated to deal with issues of abuse, exploitation, harassment, and discrimination which are brought to their attention. The supervisors' options are to:

- speak directly to the individuals involved;
- assist and support the complainant and/or respondent to talk directly to the other individual;
- consult with the Human Rights Advisor;
- refer the complainant and/or respondent to the Human Rights Advisor.

Informal Consultation with the Human Rights Advisor

Individuals are encouraged to contact the Human Rights Advisor for advice and support. The Advisor shall explain the Policy to the individual and help her or him to determine if her or his situation falls within the mandate of the Association Policy.

The Advisor shall provide information on how the individual can:

- cope directly with the individual(s) who is/are allegedly abusing, exploiting, harassing, or discriminating;
- request mediation;
- file a formal complaint.

The Advisor shall explain the investigation process as well as the sanctions and remedies available under this Policy and contained in the CAFCE By-laws.

In addition, the Advisor may refer the individual to other sources of assistance (counselors, police, union representatives, sexual assault centres, Human Rights Commission, or the CAFCE Executive).

In certain circumstances, interim measures may be necessary to ensure the safety, security and well-being of a complainant and/or a respondent and the smooth operation of the Association. It may be prudent to impose such conditions as are appropriate in the circumstances until such time as there is a resolution of the complaint. Such measures are only precautionary and shall not be considered disciplinary. Careful consideration will be given to protecting the individuals involved and ensuring that there is no prejudice to the rights of those involved in the complaint.

Formal Complaint Procedures

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To lodge a formal complaint, the individual must submit a *CAFCE ABUSE – EXPLOITATION – HARASSMENT – DISCRIMINATION INCIDENT REPORTING FORM* statement to the Human Rights Advisor setting out the nature of the complaint, date(s), events, the name of the respondent(s), and witnesses. Upon receipt of the written complaint, the Advisor shall notify the respondent(s) and provide her or him with a copy of the written complaint within five (5) days and inform the President and Past President that an Investigative Committee needs to be appointed. The respondent will be asked to respond to the complaint in writing within ten (10) days of the respondent's receipt of the complaint. Once the response has been received by the Human Rights Advisor, or the time for a response has expired, then an Investigative Committee will be chosen within ten (10) days.

The Members of the Investigative Committee shall be chosen from the CAFCE Board. The Investigative Committee shall consist of the Human Rights Advisor and two members who are not representatives of the complainant's or respondent's constituency.

The Human Rights Advisor will provide the Investigative Committee with the formal complaint, response and any other relevant information. If the Investigative Committee has reasonable concerns about the complaint based on its knowledge and expertise of harassment, and unanimously determines that the case is without merit, the Committee shall provide the complainant, respondent and President of the Association with a fully reasoned response as to why the complaint shall not proceed as a formal investigation.

If the Investigative Committee believes that the case has merits, it shall arrange interviews with all parties to the complaint as soon as possible, giving reasonable consideration to their schedules and the time needed to prepare responses. The Investigative Committee will have the authority to interview witnesses or review records which they deem relevant to the matter. The respondent and complainant have the right to be accompanied by a representative, at their own expense, during interviews. The Investigative Committee may request additional supportive information from both the complainant and respondent.

Upon completion of the investigation, the Investigative Committee will make a determination as to whether the complaint has merit, or is without merit, and whether sanctions for the harasser and/or remedies for the complainant are appropriate. The Investigative Committee shall meet within five (5) days with the parties to review its findings and recommendations.

If the parties involved accept the recommendations of the Investigative Committee, or neither party elects to file an appeal, the Investigative Committee shall, within fifteen (15) days, forward to the President a written report. The report shall contain the Investigative Committee's findings, recommendations and a statement signed by both parties indicating the resolution of the complaint. However, if the report contains recommendations for disciplinary action then the procedures outlined in the CAFCE Bylaws will be followed.

Appeal Process

Either party has the right to appeal to the President and Past President the findings and/or recommendations of the Investigative Committee. A written notice of the intention to appeal must be served on the Human Rights Advisor within ten (10) days from the parties' receipt of the Investigative Committee's findings and recommendations. The notice of appeal must set out in detail the procedural and/or substantive reasons for the appeal.

The Human Rights Advisor shall forward to the Board of Directors the notice of appeal, a copy of the complaint, the response, and the Investigative Committee's findings and recommendations within five (5) days of receipt of the notice of appeal. The President and Past President shall review this information and decide whether the appeal has merit. During this process, the Investigative Committee will be available to the President and Past President to provide additional information or clarification of its investigation but will not participate in the President and Past President decision. The President and Past President may seek additional information to assist them in making a decision. The President and Past President shall determine whether the complaint is justified and recommend appropriate remedies and/or sanctions. The President and Past President will provide, in writing, a fully reasoned decision to both parties. However, if the report contains recommendations for disciplinary actions, then the procedures outlined in the CAFCE Bylaws will be followed.

Unless exceptional circumstances dictate to the contrary, the appeal shall be held within two (2) months of the notice of appeal. The results of the appeal shall be final with respect to the scope of this Policy.

Reprisal

Reprisal or threat of reprisal against a complainant or a witness in a complaint under this Policy may in itself be considered abuse, exploitation, harassment, and discrimination.

Malicious Complaints

Complaints that are deliberately and maliciously invented in order to damage the reputation of an individual or group may be considered harassment. Such complaints are not to be confused with complaints made in good faith that are ultimately found to be without merit.

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Time Limits

A formal complaint must be lodged within six (6) months of the date of the last alleged incident of harassment or discrimination. If the complainant or respondent shows that there is reasonable cause for an extension beyond the six month limit, the matter shall be referred to the President, Past President, President Elect or CAFCE Board of Directors for a determination as to whether the complaint should proceed. However, the onus is on the individual seeking the extension to establish reasonable cause for the delay and to establish that the delay will not prejudice the other individual's case.

Confidentiality

All members of the Association involved in a case are expected to maintain confidentiality. The exceptions to complete confidentiality are:

1. where disclosure is necessary to carry out the procedures outlined in this Policy;
2. where disclosure is required by law;
3. where in the CAFCE Executive opinion, disclosure is necessary to ensure health and safety.

All records, documents and information obtained as a result of inquiries or complaints made under this Policy will be maintained in a confidential file in the CAFCE Head Office.

Sanctions and Remedies

Any formal recommendation for remedial or disciplinary action made by the Investigative Committee shall be recorded and forwarded to the President for action. If the respondent is a member of a CAFCE committee or regional association, any formal recommendation for remedial or disciplinary action shall be forwarded to the committee's or regional association's chair. In general, any formal recommendation for remedial or disciplinary action shall be made in accordance with any relevant provisions of the association's bylaws.

Remedial Action

There are two broad types of remedy which the Association may provide: relief and compensation. Relief may include but not be limited to:

1. directing that the discriminatory or harassing behaviours cease;
2. if the harasser is a member - cancel membership and remove from the Board of Directors and Committees
3. if the harasser is an employee – Training, discipline, and then dismissal
4. re-appraisal of job performance by another person.

Compensation may be necessary to restore the complainant (if it is an employee) to the position she or he would have been in had the harassment or discrimination not occurred.

Compensation may include but not be limited to:

1. compensation for leaves of absence, lost wages/benefits;
2. compensation for reasonable costs of medical and/or psychological services required as a result of the harassing or discriminatory behaviours;
3. re-instatement of an employee to her or his former position.

Disciplinary Action

The discipline imposed will be commensurate with the seriousness of the offense.

Discipline for the respondent may include:

1. verbal reprimand;
2. letter of discipline included in the individual's personnel/administrative/ academic file as appropriate;
3. an apology, which may be private or public, oral or written;

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4. relief from specific duties;
5. expulsion/suspension/dismissal from the Association as per the By-laws;
6. mandatory participation in counseling or training if an employee;
7. restriction of access to the CAFCE Office and public meetings (i.e. conferences, AGM, etc.).

Any disciplinary action shall be undertaken pursuant to the relevant Association Policy or Bylaws.

Glossary

Complainant: is any person(s) including the Association who seeks recourse pursuant to this Policy either as someone who has been the subject of abuse, exploitation, harassment, or discrimination or who is aware of situations or incidents which may be having a discriminatory and adverse impact upon another member(s) of the Association. A third party can initiate the procedures in this Policy if the conduct of others in the learning or working environment has the effect of substantially interfering with the third party's welfare, academic, or work performance.

Days: refers to business days. Weekends and statutory holidays are not included in calculating the number of days referred to in this Policy.

Reasonable Person Test: refers to an assessment of responsibility that takes into account not only what the complainant and respondent experienced, knew, or understood about one another or the situation, but also what a reasonable person in each of their circumstances would or ought to have experienced, known, or understood.

Respondent: is any person(s) including the Association against whom an allegation or a complaint of harassment or discrimination has been made pursuant to this Policy.

Supervisor: includes Executive, Director from the CAFCE Board, Committee Chair, or Office Manager.

Visitors: examples include alumnae, anyone staying in the residences, members of university committees, and others engaged in business on campus.

Policy Awareness Campaign

CAFCE will include its *Fair Treatment Policy* on its website with it referenced to in the *CAFCE Board and Committee Handbook*. CAFCE Board of Directors and Committee Chairs will be required to read the *CAFCE Board and Committee Handbook*. The CAFCE Membership Application will make reference to the Fair Treatment Policy. CAFCE will ensure contact information is stated in all its correspondence and on its website.

Complainants will be directed on the appropriate reporting process and ask to complete the *CAFCE's ABUSE – EXPLOITATION – HARASSMENT – DISCRIMINATION INCIDENT REPORTING FORM*

The Human Rights Advisor will notify the President and Past President.

The President and Past President will consider whether it is necessary to report to law enforcement.

The President will contact the accused and describe the allegations and legal requirement they may have in reporting the incident to law enforcement.

A meeting of all parties will be requested to determine if an Investigative Committee will be required; if so the President will form the Investigative Committee which shall be made up of the following:

- Past President
- Two members
- Outsider – experienced with harassment complaints

Procedure:

- a) Meet with both parties to see if the problem can be solved.
- b) Report to the President/President Elect on the outcome and recommendations

This form will be printed on CAFCE Letter head and only distributed by hand from the CAFCE Office.

**CAFCE'S ABUSE – EXPLOITATION – HARASSMENT – DISCRIMINATION
INCIDENT REPORTING FORM**

Current Date and Time:

Date of incident:

Time of the incident:

Location of the incident:

Name of the respondent(s):

Witnesses:

Description of the alleged abuse, exploitation, harassment, or discrimination:

Upon receipt of the written complaint, the Human Rights Advisor shall notify the respondent(s) and provide her or him with a copy of the written complaint within five (5) days. The respondent will be asked to respond to the complaint in writing within ten (10) days of the respondent's receipt of the complaint. Once the response has been received by the Human Rights Advisor, or the time for a response has expired, then an Investigative Committee will be chosen within ten (10) days. Upon completion of the investigation, the Investigative Committee will make a determination as to whether the complaint has merit, or is without merit, and whether sanctions for the respondent and/or remedies for the complainant are appropriate. The Investigative Committee shall meet within five (5) days with the parties to review its findings and recommendations. If the parties involved accept the recommendations of the Investigative Committee, or neither party elects to file an appeal, the Investigative Committee shall, within fifteen (15) days, forward to the President a written report. The report shall contain the Investigative Committee's findings, recommendations and a statement signed by both parties indicating the resolution of the complaint.

Appeal Process: Either party has the right to appeal to the Board of Directors the findings and/or recommendations of the Investigative Committee. A written notice of the intention to appeal must be served on the Human Rights Advisor within ten (10) days from the parties' receipt of the Investigative Committee's findings and recommendations. The notice of appeal must set out in detail the procedural and/or substantive reasons for the appeal.