



## **DISCRIMINATION AND HARASSMENT PREVENTION POLICY**

Free For All Foundation is committed to a healthy, respectful, and harassment-free environment for all members of the organization. This policy is intended to prevent and deal with harassment quickly and effectively. Free For All Foundation fosters a climate of respect and will not tolerate discrimination or harassment of members of the organization and community. It is Free For All Foundation's goal to educate all members and customers about the nature and impact of harassment.

No person acting on behalf of Free For All Foundation shall deny employment or programs, discriminate in the terms and conditions of employment or admissions, or refuse to continue to employ any person based on a prohibited ground of discrimination. No person acting on behalf of Free For All Foundation shall deny, or discriminate against, any person or group of people with respect to accommodation services or facilities customarily available to the public.

The **Ontario Human Rights Act** prohibits harassment on the grounds of discrimination against race, religious beliefs, colour, place of origin, gender, sexual orientation, mental or physical disability, ancestry, marital status, family status, age, or source of income.

### **1. Definitions**

#### **1.1. Member of the Foundation**

A member of the Foundation means any employee, student, customer, or any person who interacts at Free For All Foundation.

#### **1.2. Prejudice**

Prejudice is defined as an opinion or judgment, frequently unfavourable, based on irrelevant considerations, inadequate knowledge or inaccurate stereotyping.



### **1.3.Discrimination**

Discrimination is defined as unequal treatment which is usually based on prejudice which is often presented as unjust practices or behaviour, whether intentional or not. Discrimination is based on race, religious beliefs, colour, gender, sexual orientation, physical and mental disability, marital status, age, ancestry, or place of origin and which has negative effect.

### **1.4.Harassment**

Harassment is defined as the abusive, unfair, or demeaning treatment of a person or group of persons.

#### **1.4.1.Sexual Harassment**

Sexual harassment, being discrimination on the grounds of gender, is a violation of the

**Ontario Human Rights Act.** Unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct or contact of a sexual nature constitute sexual harassment when:

- a) it accompanies an implied or expressed promise of reward or threat of consequence for complying or not complying with a sexually oriented request; and/or
- b) submission to such conduct is made either explicitly or implicitly a term of, or condition of, an individual's employment or member; and/or
- c) submission to, or rejection of, such conduct by an individual that affects that individual's employment or member or individual's evaluation or performance review; and/or
- d) unwanted sexual solicitation is of a repeated, persistent, or abrasive nature; and/ or
- e) sexually-oriented or gender-based remarks and/or behaviour directed towards an individual or group that may be perceived by a reasonable person to create a negative psychological and emotional environment for work and/or study.

#### **1.4.2.Personal Harassment**

Personal harassment is defined as objectionable and unwanted behaviour with no legitimate educational or work related purpose, which is not based on any legislated prohibited ground, which:

- a) constitutes the abuse of an unequal institutional power relationship or misuses authority; and/or
- b) implies that submission or rejection of such conduct is used explicitly or implicitly as a condition for employment or favour, or assessment decisions affecting the individual; and/or



c) has the effect of interfering with an individual's or group's work performance or program experience; and/or



d) constitutes a clear pattern of mistreatment that is known, or ought reasonably to be known, to be severe enough to have the effect of creating an intimidating, humiliating, hostile or offensive educational or work environment

### **1.5.Complainant**

Is a person who comes forth with a complaint that he or she has experienced harassment or discrimination.

### **1.6.Respondent**

Is the person who is the alleged harasser or responsible for the discrimination.

## **2. Rights**

### **2.1.Complainant Rights**

- a) To file a complaint and have it dealt with promptly, without fear or embarrassment or reprisal;
- b) to have a person of the complainant's choice accompany him/her during the process;
- c) to make sure that no record of the complaint is placed on the complainant's student, client or personnel file, as long as it was made in good faith;
- d) to be informed about the process and progress of the complaint;
- e) to be informed of the type of corrective measures that will result from the complaint; and
- f) to receive fair treatment.

### **2.2.Respondent Rights**

- a) To be informed of the filed complaint;
- b) to be given a written statement of the official allegations, and to respond to them;
- c) to have a person of the respondent's choice accompany him/her during the process;
- d) to be informed that the process could result in a record on a student, client or personnel file;
- e) to be informed about the process and progress of the complaint; and
- f) to receive fair treatment.



### **3. Conflict of Interest**

Should the nature of the complaint place any of the Administrators responsible for acting under these procedures in a conflict of interest,



a member of the Executive/Board team who has no involvement in the situation will be responsible for identifying an alternative Administrator.

When the respondent is the Foundation Executive the complaint will normally be referred to an external investigator who shall fulfill all the responsibilities of the Human Rights Advisor. The external investigator will be selected by the President or designate preferably from a list of investigators who are members of the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education (CAPDHHE). The response shall include an opinion on whether harassment occurred and may include recommendations for resolving the complaint. This response will be submitted to the President (or the Board of Directors should the complaint involve the President) for resolution and right of appeal would be to the Board of Director.

#### **4. Confidentiality**

The Foundation will make every effort to ensure that any complaint made pursuant to this Policy is kept in confidence except as necessary to investigate and to respond to any legal and/or administrative proceedings arising under this policy or otherwise. Complainants and respondents are expected to maintain confidentiality.

#### **5. Human Rights Advisor(s)**

The President, on behalf of the Foundation, shall designate a Human Rights Advisor, or Human Rights Advisors, who shall report to the President or designate on matters dealing with this policy. The Advisor(s) shall be selected on the basis of appropriate qualifications, and accessibility. Advisors shall be appointed for a term of three years, renewable. In addition, a contact person shall be designated who will then handle the complaint.

#### **6. Discrimination and Harassment Review Committee**

Upon receipt of a written request for formal resolution the President or designate shall appoint a Discrimination and Harassment Review Committee comprised of:

- a) A balanced, but not necessarily equal, number of male and female members;
- b) Optional representation from the Board of Governors;
- c) Additional representation at the discretion of the President or designate.



The complainant and respondent shall be notified of the committee composition. Within 5 working days either party may challenge, for reasonable apprehension of bias, membership of the committee by advising the President or designate in writing.

The Discrimination and Harassment Review Committee shall be provided with a copy of the complaint, any response(s), and the request for formal resolution. The Committee may call upon the Human Rights Advisor as a resource person.

The Committee shall:

a) Request and consider information from both parties which might enable them to find witnesses or other supporting evidence;

b) Interview all parties to the complaint as soon as possible;

c) Report their findings and recommendations to the President.

The Committee is free to develop appropriate practices and procedures to investigate and conduct interviews properly and confidentially. Both parties must be informed of their right to be accompanied by a representative.

## **7. Human Rights Advisory Committee**

The Human Rights Advisory Committee is an advisory committee to the President on matters related to human rights, exclusive of individual complaints and is chaired by an executive member of Board. Its purpose is:

- To promote human rights within the Foundation and amongst its partners;
- To develop and implement initiatives that provide awareness, education and information about human rights to the Foundation, partners and customers;
- To monitor the policy and procedures on Discrimination, Harassment and Sexual Harassment and to recommend changes where appropriate;
- To provide an annual report on the Committee's activities to the President