

Employment Policy – Violence, Discrimination, & Harassment

1. Purpose

- 1.1. To demonstrate the MSU's commitment to providing a violence-, discrimination-, and harassment-free work environment;
- 1.2. To explain the complaint and reporting options, supports, and accommodations that are available to all members of the MSU community who have experienced workplace violence, discrimination, or harassment;
- 1.3. To inform staff of possible informal options for resolution of workplace conflicts;
- 1.4. To identify MSU and McMaster resources for staff, employees, and students who have experienced workplace violence, discrimination, or harassment.
 - 1.4.1. The MSU reserves the right to take any and all disciplinary action, inclusive of termination, at any point within the investigative process.

2. Terms & Definitions

- 2.1. **Complainant** is a person who files a complaint alleging a violation of this MSU policy;
- 2.2. **Complaint** means a formal report of incident(s) of workplace violence, discrimination, or harassment within the MSU via submitting an Intake Form to MSU Human Resources;
- 2.3. **Disclosure** means the act of making something known and may include revealing private or personal information;
 - 2.3.1. Disclosures may include sharing information regarding incidents in violation of this policy;
 - 2.3.2. A disclosure is not the same as a complaint, as a disclosure can be made without initiating a formal complaint process and ensuring confidentiality.
 - 2.3.3. Some disclosures may be subject under the limits of confidentiality, outlined in **Employment Policy – Violence, Discrimination, & Harassment, Section 2.17.**
- 2.4. **Discrimination** means any action which:

2.4.1. Denies, or has the effect of denying, any:

- 2.4.1.1. Goods;
- 2.4.1.2. Services;
- 2.4.1.3. Benefits;
- 2.4.1.4. Opportunities; and/or
- 2.4.1.5. Facilities provided by the MSU on the basis of a prohibited ground of discrimination and includes any act of communication, either directly or indirectly, whether:

- 2.4.1.5.1. Oral;
- 2.4.1.5.2. Written;
- 2.4.1.5.3. Electronic; or
- 2.4.1.5.4. Non-verbal.

2.4.2. Promotes disrespect or intolerance for any person(s) based on prohibited grounds of discrimination, as outlined in the **Ontario Human Rights Code, 1990**, and described in the **Occupational Health and Safety Act, 1990**, including, but not limited to:

- 2.4.2.1. Age;
- 2.4.2.2. Ancestry;
- 2.4.2.3. Citizenship;
- 2.4.2.4. Colour;
- 2.4.2.5. Creed (religion);
- 2.4.2.6. Disability;
- 2.4.2.7. Ethnic origin;
- 2.4.2.8. Family status;
- 2.4.2.9. Gender expression;
- 2.4.2.10. Gender identity;
- 2.4.2.11. Marital status (including single status);
- 2.4.2.12. Place of origin;
- 2.4.2.13. Race;
- 2.4.2.14. Receipt of public assistance;
- 2.4.2.15. Record of offenses;
- 2.4.2.16. Sex (including pregnancy and breastfeeding); and
- 2.4.2.17. Sexual orientation.

2.4.3. Exceptions may be given to those where the grounds may interfere with legitimate requirements of employment, this Employment Policy will also acknowledge the following as prohibited grounds of Discrimination:

- 2.4.3.1. Language;
- 2.4.3.2. Accent;

- 2.4.3.3. Dialect;
- 2.4.3.4. Political belief;
- 2.4.3.5. Membership or non-membership in a political organization;
and
- 2.4.3.6. Membership or non-membership in a trade-union,
employee/employer organization.

2.5. **Indirect (Constructive) Discrimination:** The application of established practices and/or policies that, in effect, negatively and directly impacts a particular group on the basis of a prohibited ground of discrimination;

2.6. **Direct Discrimination:** An act, behaviour, or practice of treating a person unequally on the basis of prohibited grounds of discrimination;

2.6.1. Direct discrimination may be:

- 2.6.1.1. Overt;
- 2.6.1.2. Covert;
- 2.6.1.3. Admitted; or
- 2.6.1.4. Denied.

2.7. **Domestic Violence** means deliberate and purposeful violence, abuse and intimidation perpetrated by one person against another in an intimate relationship;

2.7.1. It occurs between two persons where one has power over the other, causing:

- 2.7.1.1. Fear;
- 2.7.1.2. Physical; and/or
- 2.7.1.3. Psychological harm;

2.7.2. It may be a single act or a series of acts forming a pattern of abuse;

2.7.3. 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;

2.7.4. Domestic violence may occur in the workplace when the two persons work in the same space, or if one of the persons enters the workplace of the other.

2.8. **Decision-Maker** is an unbiased, non-investigative body who will look at all the evidence objectively and without judgement;

2.8.1. The Decision-Maker is responsible for:

- 2.8.1.1. Reviewing relevant information from the investigators;

- 2.8.1.2. Identifying alternative situations;
- 2.8.1.3. Weighing up all of the evidence; and
- 2.8.1.4. Selecting the course(s) of action that is/are best for the situation.

2.8.2. The Decision-Maker of this policy is the MSU Human Resources Department.

2.9. **Harm** means physical or other injury or damage to health; including:

- 2.9.1. Physical;
- 2.9.2. Emotional; or
- 2.9.3. Mental health.

2.10. **Hazard** means a potential source of harm or an adverse effect; for example:

- 2.10.1. To people, as health effects;
- 2.10.2. To organizations, as property or equipment losses; or
- 2.10.3. To the environment.

2.11. **Interim Measures** means actions to safeguard the environment of MSU Community Members who are involved, or may be affected, by a complaint;

2.11.1. Interim measure may occur through temporary:

- 2.11.1.1. Accommodations;
- 2.11.1.2. Proceedings;
- 2.11.1.3. Support; or
- 2.11.1.4. Actions.

2.11.2. Interim Measures shall not be construed as evidence of either guilt or a finding of violation of this Employment Policy, or as an affirmation of innocence/finding of non-violation of this Employment Policy.

2.12. **Investigators** means the investigative members of the external third party that is convened to conduct an investigation into a formal complaint;

2.13. **McMaster Students Union (MSU)** means the McMaster Students Union (MSU), the McMaster Students Union Incorporated, and CFMU Incorporated for the purposes of this policy;

2.14. **MSU Human Resources** means the MSU Human Resources department, including the Director of Human Resources;

2.15. **MSU Student Staff** means any:

- 2.15.1. Hired;
- 2.15.2. Elected; or
- 2.15.3. Recruited MSU staff member or volunteer who is also a(n):

- 2.15.3.1. Undergraduate;
- 2.15.3.2. Graduate; or
- 2.15.3.3. Other student within McMaster University.

2.16. MSU Non-Student Staff means any:

- 2.16.1. Hired;
- 2.16.2. Elected; or
- 2.16.3. Recruited MSU staff member or volunteer who is not currently a(n):

- 2.16.3.1. Undergraduate;
- 2.16.3.2. Graduate; or
- 2.16.3.3. Other student within McMaster University.

2.17. Need-to-Know Basis means that in certain circumstances, necessary facts of a complaint and identities may be shared with relevant external authorities or agencies in order to adhere to legal reporting requirements;

- 2.17.1. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed;

2.17.2. Such circumstances include those where:

- 2.17.2.1. An individual is at risk of harm to self;
- 2.17.2.2. An individual is at risk of harming others;
- 2.17.2.3. There are reasonable grounds to be concerned about risk of future violence or the safety of the MSU and/or broader community;
- 2.17.2.4. The power differential in the alleged incident indicates the potential for a pattern of repeated Workplace Violence; and/or
- 2.17.2.5. Situations reveal broader issues to be addressed, including concerns for a poisoned environment.
- 2.17.2.6. Disclosure is required by law, for instance:

- 2.17.2.6.1. If there is suspected abuse of someone under the age of 16;

- 2.17.2.6.2. Reports of intimate partner/domestic violence; or

- 2.17.2.7. To comply with legislation, such as:

- 2.17.2.7.1. The **Occupational Health and Safety Act, 1990**;

2.17.2.7.2. The **Workplace Safety and Insurance Act, 1997**;

2.17.2.7.3. With human rights legislation; and/or

2.17.2.7.4. To comply with the reporting requirements of regulatory bodies and/or professional licensing bodies.

2.18. **Respondent** is a person who an allegation has been made against through the formal Complaint process;

2.19. **Sexual Assault** means any unwanted sexual act or touching done by one person to another;

2.19.1. This includes any unwanted or coerced touching of a sexual nature such as:

2.19.1.1. Kissing;

2.19.1.2. Fondling;

2.19.1.3. Oral sex; or

2.19.1.4. Intercourse.

2.20. **Sexual Harassment** means any unwelcome:

2.20.1. Sexual advances;

2.20.2. Requests for sexual favours; and

2.20.3. Other verbal or physical harassment of a sexual nature.

2.21. **Sexual Violence** means any sexual act or act:

2.21.1. Targeting a person's:

2.21.1.1. Sex;

2.21.1.2. Sexuality;

2.21.1.3. Gender identity; or

2.21.1.4. Gender expression.

2.21.2. Whether the act, in nature, is:

2.21.2.1. Physical; or

2.21.2.2. Psychological.

2.21.3. Against a person without the person's consent that is:

2.21.3.1. Committed;

2.21.3.2. Threatened; or

2.21.3.3. Attempted.

2.21.4. Including, but not limited to:

- 2.21.4.1. Sexual Assault;
- 2.21.4.2. Sexual Harassment;
- 2.21.4.3. Stalking;
- 2.21.4.4. Indecent exposure;
- 2.21.4.5. Voyeurism;
- 2.21.4.6. Sexual exploitation;
- 2.21.4.7. Engaging in a course of vexatious comment or conduct against a worker in a workplace because of:

- 2.21.4.7.1. Sex;
- 2.21.4.7.2. Sexual orientation;
- 2.21.4.7.3. Gender identity; or
- 2.21.4.7.4. Gender expression.

2.21.4.8. Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to:

- 2.21.4.8.1. confer, grant, or deny benefit or advancement to the worker;

2.21.4.9. Any reward/promise of reward, whether explicit or implicit, for complying with:

- 2.21.4.9.1. A sexual solicitation or advance;
- 2.21.4.9.2. Demands for dates or sexual favours; or
- 2.21.4.9.3. Propositions of physical intimacy.

2.21.4.10. Any reprisal or threat of reprisal, whether explicit or implicit, for refusing to comply with any sexual solicitation or advance;

2.21.4.11. Any form of sexual exploitation or conduct that takes non-consensual sexual advantage of someone;

2.21.4.12. Unwelcome gender-related comments about a person's:

- 2.21.4.12.1. Physical characteristics;
- 2.21.4.12.2. Mannerisms;
- 2.21.4.12.3. Gender identity; or
- 2.21.4.12.4. Gender expression.

2.21.4.13. Gender-related verbal abuse, including:

- 2.21.4.13.1. Threats;
- 2.21.4.13.2. Taunting;

- 2.21.4.13.3. Yelling; or
- 2.21.4.13.4. Swearing.

2.21.5. Where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.

2.22. Trauma-Informed Support means:

- 2.22.1. Understanding the distress that an incident can cause; and
- 2.22.2. Considering this in all aspects of service delivery, for the purpose of prioritizing the individual's:

- 2.22.2.1. Safety;
- 2.22.2.2. Choice; and
- 2.22.2.3. Control.

2.22.3. A key aspect of trauma-informed support is to create an environment:

- 2.22.3.1. Where service users do not experience further traumatization or re-traumatization (events that reflect earlier experiences of powerlessness and loss of control); and
- 2.22.3.2. Where service users can make decisions about their needs at a pace that feels safe to them.

2.23. University: McMaster University and all affiliated University departments and staff, for the purposes of this policy;

2.24. Workplace Assault: Assault that falls under the umbrella of Workplace Violence, including, but not limited to, the acts of:

- 2.24.1. Inflicting physical harm or unwanted physical contact upon a person;
- 2.24.2. Applying force intentionally to another person without their consent (directly or indirectly);
- 2.24.3. Impeding another person while openly wearing or carrying a weapon within the workplace environment; or
- 2.24.4. Threatening or attempting to threat, by an act or gesture, to apply force to another person within the Workplace Environment.

2.25. Workplace Environment means the surrounding conditions in which an employee or volunteer operates;

2.25.1. The work environment includes:

- 2.25.1.1. Physical conditions;

2.25.1.1.1. Such as office temperature.

2.25.1.2. Equipment;

2.25.1.2.1. Such as personal computers.

2.25.1.3. Work processes or procedures;

2.25.1.4. Emotional environments;

2.25.1.5. Work-related socials;

2.25.1.6. Online work-related interactions; and

2.25.1.7. Online work social media groups.

2.26. Workplace Harassment: Engaging in a course of vexatious comment or conduct against a person in a workplace environment that is known or ought reasonably to be known to be unwelcome;

2.26.1. This includes all forms of:

2.26.1.1. Sexual harassment within the workplace environment;

2.26.1.2. Vexatious comments made without reasonable cause or excuse; and

2.26.1.3. Vexatious conduct made without reasonable cause or excuse.

2.26.2. Harassment falls under the umbrella of workplace violence and includes:

2.26.2.1. Sexual harassment; and

2.26.2.2. Gender based-harassment.

2.27. Workplace Sexual Harassment. Engaging in a course of vexatious comment or conduct against a worker in a workplace, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, because of:

2.27.1. Sex;

2.27.2. Sexual orientation;

2.27.3. Gender-identity; or

2.27.4. Gender expression.

2.27.5. 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.

2.28. Workplace Violence: Injury or harm caused, or that could be caused, to a community member, including, but not limited to:

2.28.1.1. Disruptive behaviour that is not appropriate to the workplace, such as yelling or swearing;

2.28.1.2. All forms of sexual violence and sexual assault within the workplace environment; and

2.28.1.3. All forms of domestic violence within the workplace environment and through exercising:

2.28.1.3.1. Power or force by a person against a worker, in a workplace;

2.28.1.3.2. Attempting to exercise power or force against a worker, in a workplace; or

2.28.1.3.3. A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise power or force against the worker, in a workplace.

3. Scope

3.1. This policy prohibits all forms of workplace violence, discrimination, or violence, as defined in:

3.1.1. The [McMaster University Discrimination & Harassment Policy](#) and;

3.1.2. The [McMaster University Sexual Violence Policy](#).

3.2. This policy applies to:

3.2.1. Paid and unpaid MSU Staff with respect to their conduct with one another;

3.2.2. All interactions between or with current MSU Staff members, inside and outside of MSU-owned spaces.

3.3. If the complainant is an MSU Student Staff member, the incident, whether it occurred on or off university premises, must be reported and investigated through the [McMaster University Discrimination and Harassment Policy](#) or the [McMaster University Sexual Violence Policy](#);

3.3.1. The University may make recommendations of outcomes involving the roles that the individual may hold within the MSU;

3.3.1.1. In these cases, a member from the MSU Human Resources Department will act as the Decision-Maker in accepting or rejecting these recommendations, in whole or in part.

- 3.4. When a conflict arises outside the workplace setting and the respondent and/or complainant are both MSU Non-Student Staff members, the complaint can still be made and reported under this policy.

4. Policy Training & Review

- 4.1. The MSU will educate all new members of the organization of their rights and responsibilities in their role as it relates to this policy;
- 4.2. The MSU will utilize the services of McMaster University's Equity and Inclusion Office to provide training and resources;
- 4.3. The MSU must annually provide anti-Oppression training to all SRA members and part-time managers;
- 4.4. This policy will be reviewed bi-annually as per the **Occupational Health and Safety Act**.

5. Role of Human Resources

- 5.1. MSU Human Resources is comprised of the Director of Human Resources and is the central resource for:
 - 5.1.1. MSU Student Staff and MSU Non-Student Staff who experience any form of Workplace Violence or Discrimination within the MSU; and
 - 5.1.2. MSU Community Members who are seeking information on issues related to the MSU's response or support options to workplace violence and prevention efforts, including training and information dissemination.
- 5.2. MSU Student Staff and MSU Non-Student Staff who Disclose an experience of Workplace Violence to a member of MSU Human Resources can expect that Human Resources will:
 - 5.2.1. Provide trauma-informed response and support;
 - 5.2.2. Consider safety measures that may be necessary;
 - 5.2.3. Actively and empathically listen to individual needs and concerns without judgment;
 - 5.2.4. Share reporting options available;
 - 5.2.5. Clarify commitments to Confidentiality and its Limits;
 - 5.2.6. Explain the difference between Disclosure and formal reporting via a Complaint;
 - 5.2.7. Help complete a Complaint Intake Form, if the individual chooses that option;

- 5.2.8. Assist the individual to navigate any relevant MSU systems and procedures;
 - 5.2.9. Inform the individual of their options under:
 - 5.2.9.1. The [McMaster University Discrimination & Harassment Policy](#) and;
 - 5.2.9.2. The [McMaster University Sexual Violence Policy](#).
 - 5.2.10. Facilitate reasonable workplace accommodations as required by the [Ontario Human Rights Code](#);
 - 5.2.11. Organize Interim Measures, as-needed;
 - 5.2.12. Consider differing cultural needs and offer/refer to culturally relevant supports;
 - 5.2.13. Provide information about and referral to campus and community services;
 - 5.2.14. Liaise with relevant partners to ensure coordinated response and support;
 - 5.2.15. Facilitate ongoing assessment, planning and case management; and
 - 5.2.16. Notify appropriate university stakeholders if it is determined there is a threat to campus safety.
- 5.3. MSU Non-Student Staff who choose to formally report an experience of Workplace Violence to a member of MSU Human Resources can expect that MSU Human Resources will:
- 5.3.1. Be responsible for ensuring the Complainant fully understands the procedures of this Policy and what may result from the decision to file a Complaint;
 - 5.3.2. Review the statement of the Complaint to determine the applicability of this Policy;
 - 5.3.2.1. This will be done in consultation with a qualified third-party where deemed appropriate by MSU Human Resources.
 - 5.3.3. Be responsible for working in close partnership with individuals and offices involved in administering this Policy, including qualified third parties.
- 5.4. MSU Human Resources will also inform MSU Non-Student Staff who are Complainants or Respondents, of the external body in charge of the investigation and the process that follows;
- 5.5. MSU Human Resources will also review any Interim Measures on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances;

5.6. MSU Human Resources will provide staff and volunteers who may receive Disclosures the necessary guidance and training, including information on:

- 5.6.1. How to support the individual making a Disclosure;
- 5.6.2. How to facilitate a referral;
- 5.6.3. The contents of this Policy;
- 5.6.4. Steps to a formal Complaint process; and
- 5.6.5. Assessing whether the limits of confidentiality apply.

6. Role of Supervisors

6.1. All supervisors of MSU Student Staff or MSU Non-Student Staff are responsible for:

- 6.1.1. Modeling acceptable standards of behaviour;
- 6.1.2. Supporting any community member who, in good faith, reports a potential violation of this Policy;
- 6.1.3. Contacting MSU Human Resources for guidance and advice to address the matter as appropriate in the circumstances;
- 6.1.4. Cooperating with MSU Human Resources during:
 - 6.1.4.1. Investigations;
 - 6.1.4.2. The implementation of Interim Measures; and
 - 6.1.4.3. The implementation of sanctions.
- 6.1.5. Completing all required training and ensuring that the people they are supervising are trained appropriately on this Policy and the procedures outlined within it;
- 6.1.6. Taking every reasonable precaution for the protection of the staff member, if they become aware, or ought reasonably to be aware, that domestic violence would likely expose a worker to physical injury in the workplace.
 - 6.1.6.1. Any immediate or urgent incidents should be reported to emergency authorities.

7. Role of All Staff

7.1. All staff shall ensure that they are not exposed to Harassment or Discrimination as prohibited by the [Ontario Human Rights Code](#), and are treated with dignity and respect, including through:

- 7.1.1.1. Encouraging, supporting, and utilizing appropriate pronouns, gender-inclusive language and non-discriminatory language;

- 7.1.1.2. Maintaining a respectful tone and using respectful language in all interpersonal interactions regardless of the subject matter being discussed;
 - 7.1.1.3. Acknowledging threatening or violent behaviour.
 - 7.2. If any MSU employee becomes aware of incidents of Workplace Harassment and Workplace Violence, they have additional legal obligations, such as:
 - 7.2.1. Reporting:
 - 7.2.1.1. Any incident of Workplace Harassment and/or Workplace Violence, which includes Sexual Violence, to their supervisor or to MSU Human Resources, in accordance with the [Occupational Health and Safety Act](#);
 - 7.2.1.2. Any immediate or urgent incidents to the relevant authorities or crisis-teams.
 - 7.2.2. If there is thought to be a threat to the greater University community such as an incident which involves a believed abuse of power, taking every reasonable precaution to protect the safety of an employee, especially if in a supervisor position;
 - 7.2.3. Complying with any applicable code of conduct of the MSU or University outside of this Policy, including, but not limited to:
 - 7.2.3.1. [The McMaster Student Code of Conduct](#);
 - 7.2.3.2. [The McMaster Sexual Violence Policy](#); and
 - 7.2.3.3. [The McMaster Discrimination and Harassment Policy](#).
- 7.3. All MSU Staff are responsible for contributing to an environment that is free of Workplace Violence;
- 7.4. This Employment Policy is not intended to be applied to general student-to-student or student-to-University contact within McMaster University.

8. Confidentiality

- 8.1. The MSU recognizes the importance of confidentiality both for individuals coming forward to Disclose or report an experience of Workplace Violence or Discrimination, and for individuals who are the subject of a Complaint;
 - 8.1.1. The MSU will take steps to protect the confidentiality of both parties to the extent permitted by its legal obligations outlined below.

- 8.2. The MSU and its employees and agents will protect personal information and handle records in accordance with the **Freedom of Information and Protection of Privacy Act** and the **Personal Health Information Protection Act** where applicable;
 - 8.2.1. Exceptions are outlined in:
 - 8.2.1.1. [The McMaster Sexual Violence Policy](#); and
 - 8.2.1.2. [The McMaster Discrimination and Harassment Policy](#).
 - 8.2.2. In such circumstances, the MSU will share identifying information one where it is necessary:
 - 8.2.2.1. To administer this Employment Policy;
 - 8.2.2.2. To address safety concerns; or
 - 8.2.2.3. To satisfy a legal reporting requirement;
 - 8.2.2.3.1. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed.
- 8.3. When making a Disclosure or Complaint to any managerial or MSU Human Resources Staff, individuals shall receive clear and transparent information about the level of, and limits to, confidentiality that apply;
- 8.4. The MSU recognizes that confidentiality is a crucial consideration in creating an environment in which individuals feel able to Disclose incidents of Workplace Violence and Discrimination and to access:
 - 8.4.1. Support;
 - 8.4.2. Accommodations; and
 - 8.4.3. Information.
- 8.5. Procedural limits to confidentiality may also occur if the MSU is subject to legal proceedings that, in the opinion of the MSU Human Resources Staff, require the disclosure of information;
- 8.6. The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.

9. Initial Considerations

- 9.1. MSU Staff who believe there has been a violation of this Policy have the following options available to them:

- 9.1.1. Disclosure;
 - 9.1.2. Reporting under this Policy which includes filing a Complaint, and/or Voluntary Resolution;
 - 9.1.3. Making a criminal report; or
 - 9.1.4. Other external options.
- 9.2. Prior to pursuing one of the options, MSU Staff should read **Section 8 – Confidentiality** of this Employment Policy;
- 9.3. Depending on the circumstances and nature of the Disclosure, the MSU may be obligated to:
- 9.3.1. Provide a referral to any relevant University intake office to make a Complaint pursuant to the University through the **McMaster University Code of Student Rights and Responsibilities**, McMaster University **Discrimination and Harassment Policy**, and the **McMaster University Sexual Violence Policy** from the following list:
 - 9.3.1.1. Human Rights & Dispute Resolution Program, Equity & Inclusion Office (for all MSU Staff);
 - 9.3.1.2. Employee/Labour Relations, Human Resource Services (for all MSU Staff);
 - 9.3.1.3. Professionalism Office, Faculty of Health Sciences (FHS; all FHS members); and/or
 - 9.3.1.4. Student Support & Case Management Office, Student Affairs (for University students).
 - 9.3.2. Notify relevant external authorities of the allegation and name of the individual who is the subject of the allegation and/or contact other relevant agencies to fulfill legal obligations, as outlined in **Section 8 – Confidentiality**.
- 9.4. Disclosing an experience of Workplace Violence or Discrimination is a separate decision from making a formal Complaint;
- 9.4.1. Disclosures and formal Complaints will result in different levels of action.

10. Disclosure

- 10.1. A Disclosure is made when an individual informs an MSU Community Member about an experience of Workplace Violence or Discrimination because they wish to access:
- 10.1.1. Support;

- 10.1.2. Accommodations as outlined by **Section 13 – Interim Measures & Ongoing Support** of this Employment Policy; and/or
- 10.1.3. Information about their options.
- 10.2. If the Complainant decides not to make a formal Complaint, any MSU Staff may still be obligated to submit a formal Complaint and file an Intake Form:
 - 10.2.1. Subject to the limits to confidentiality outlined in **Section 8 – Confidentiality** of this Policy; and/or
 - 10.2.2. If there has been a believed violation of the **Ontario Human Rights Code**.

11. Reporting

- 11.1. A report occurs when an individual determines that they wish to pursue a formal Complaint through:
 - 11.1.1. [The McMaster Sexual Violence Policy](#); and
 - 11.1.2. [The McMaster Discrimination and Harassment Policy](#).
- 11.2. Individuals who file a report may ultimately be required to attend/participate in a hearing, either internal to the MSU, external through arbitration, or in criminal court.

12. Complaint

- 12.1. MSU Staff must make a complaint through the University's **Discrimination & Harassment Policy** or the University's **Sexual Violence Policy**;
 - 12.1.1. The University will handle the investigation and make recommendations to the MSU.
 - 12.1.1.1. Should the recommendations explicitly pertain to the employment of MSU Non-Student Staff, MSU Human Resources shall be the final Decision-Maker.

13. Interim Measures & Ongoing Support

- 13.1. At any stage in proceedings under this Employment Policy, it may be necessary to take Interim Measures to safeguard the environment of the MSU Staff who are involved or may be affected;
- 13.2. Interim Measures shall not be construed as evidence of:
 - 13.2.1. Guilt;
 - 13.2.2. Violation of this Policy; or

- 13.2.3. An affirmation of innocence or finding of non-violation of this Policy.
- 13.3. The authority to approve Interim Measures will rest with MSU Human Resources and the Respondent's direct supervisor;
- 13.4. Interim Measures will be reviewed on an ongoing basis by MSU Human Resources throughout the process to ensure the measures remain necessary and appropriate in the circumstances;
- 13.5. Interim Measures are temporary and do not extend beyond the final resolution of a Complaint;
- 13.6. Interim Measures may include, but are not limited to:
 - 13.6.1. The rearrangement of employment responsibilities or oversight;
 - 13.6.2. An administrative leave of absence;
 - 13.6.3. Adjustments in MSU activities (e.g., attendance at social events);
 - 13.6.4. Issuance of a no contact order; or
 - 13.6.5. Implementation of a *persona non grata* declaration.
- 13.7. In the event an employee is directed to take an administrative leave as an Interim Measure:
 - 13.7.1. The leave shall be without loss of pay or benefits;
 - 13.7.2. It is understood that an administrative leave as an Interim Measure is non-disciplinary and is designed to separate a person from a situation or another person until the matter has been resolved;
 - 13.7.3. The person can continue to access relevant MSU support services during this period.

14. Decision-Making

- 14.1. In response to the conclusion of the investigation, the Investigators of McMaster University will outline recommendations which could include, but are not limited to:
 - 14.1.1. No further action;
 - 14.1.2. Ongoing accommodations for the Complainant;
 - 14.1.3. Disciplinary action, as outlined in the MSU **Employment Policy – Disciplinary Procedures**;
 - 14.1.4. Further investigation by a qualified third party.
- 14.2. The MSU Human Resources shall:
 - 14.2.1. Act as the Decision-Maker for MSU Non-Student Staff;

- 14.2.2. Decide on final actions based on the written report provided by the Investigators;
- 14.2.3. Then notify the following individuals of the final decision and of any ongoing interim measures:
 - 14.2.3.1. The Complainant;
 - 14.2.3.2. The Respondent; and
 - 14.2.3.3. Any relevant parties (e.g., supervisors).

15. Staff Respondents

- 15.1. An investigation report will be completed which outlines the findings and recommendations;
 - 15.1.1. This report will be kept with the MSU Human Resources for record-keeping purposes.
- 15.2. If the Respondent accepts the findings and the sanctions and/or remedies outlined by the MSU Human Resources:
 - 15.2.1. The sanctions and/or remedies will be implemented; and
 - 15.2.2. The matter will be closed.
- 15.3. If the Respondent does not accept the recommendations and a termination has been pursued, and it is believed that termination is the best course of action, **MSU Employment Policy – Disciplinary Procedures** will be followed, up to and including the process for an appeal.

16. Elected Official Respondents

- 16.1. Any disciplinary measures that the external investigative body recommends for paid elected officials will follow **MSU Employment Policy – Disciplinary Procedures**;
- 16.2. Any disciplinary measures, including recalling a person in their elected role, that the external investigative body recommends for elected officials in the roles of the MSU President, MSU Vice-Presidents, and MSU Speaker must follow the proceedings outlined in **MSU Bylaw 4 – Board of Directors & Speaker, Section 7**;
- 16.3. Any disciplinary measures that the external investigative body recommends for elected officials in the First-Year Council must follow proceedings outlined in **MSU Bylaw 9 – First-Year Council, Section 6**;

16.4. Any disciplinary measures that the external investigative body recommends for elected officials in the Student Representative Assembly must follow proceedings outlined in MSU **Bylaw 3/A – Assembly Procedures, Section 8.**

Appendix A: Resources

17. MSU-Provided Resources

Diversity Services – Diversity Services strives to advocate for and celebrate the diversity that exists on the McMaster campus regarding race, ethnicity, culture, faith, and indigenous affairs. They work to recognize the inequities that exist in our world and create an atmosphere of inclusivity for marginalized groups to truly embrace their identity. You can contact Diversity Services by email at diversity@msu.mcmaster.ca.

Employee Assistance Program (EAP) – The EAP 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) – 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 or dialing 905 522 4135 on any cell 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.

Maccess – Maccess is a service that works to advocate for inclusivity in the area of disability. They run programming and events for those who identify as disabled or having a disability in order to create a safe(r) space and a community. Maccess also provides peer support and educational programming to support the disabled community. You can contact Maccess at maccess@msu.mcmaster.ca.

Pride Community Centre (PCC) – The knowledge our volunteers have gained by living as members of 2S-LGBTQIA+ communities can be instrumental in guiding other 2S-LGBTQIA+ people through the process of solving their own problems and improving

their own lives through peer support. You can contact the PCC by email at pride@msu.mcmaster.ca.

Student Assistance Program (SAP) – The SAP is a free, confidential, and voluntary program available to McMaster students, 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.

Student Health Education Center (SHEC) – SHEC is a service facilitated by peers to promote health and provide health education and a referral service for McMaster University students. SHEC provides anonymous peer support for students, free anonymous pregnancy testing, and free health products such as pads, tampons, condoms, bandaids, and more. They also run several events and campaigns to educate, inform and support health. You can contact SHEC by email at shec@msu.mcmaster.ca.

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. You can contact SWHAT by email at swhat@msu.mcmaster.ca.

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. You can contact WGEN by email at wgen@msu.mcmaster.ca.

18. McMaster University-Provided Resources

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. You can contact EOHSS at ehss@mcmaster.ca.

McMaster Residence Life supports student success by encouraging growth, educating character and enhancing the University experience. If there are concerns about MSU Community Members' safety in residence buildings, Residence Life should be contacted.

McMaster University Security & Parking Services is the main campus Security and Parking Services department provides emergency response 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 information requests. Dial ext. 88 from any campus telephone for emergency service.

Student Support & 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.

The Equity & 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 & Inclusion Office's operation and is offered with the exception of the following limitations:

- If the health and/or safety of an individual or group may be at risk; or
- 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
- If disclosure of information is required at law, e.g., as required by the **Occupational Health & Safety Act**.

You can contact the Equity and Inclusion Office at 905-525-9140 ext. 27581 or at equity@mcmaster.ca

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. You can contact the Ombuds Office at ombuds@mcmaster.ca.

The Student Wellness Centre provides medical services, wellness programming, and personal counseling for students in distress or facing crisis. Medical services are provided by physicians and specialist doctors while wellness programming is provided by the wellness education team. Counseling services follow a Pathways approach depending on individual needs and are provided by experienced counselling staff. To contact the Student Wellness Center, call 905-525-9140 ext. 27700.