



## RESPECTFUL ENVIRONMENT POLICY

Classification:	Academic
Responsible:	Students, Instructors and Administrative Team
Executive Sponsor:	Director
Approval Authority:	Director
Date First Approved:	June 1, 2021
Date Last Reviewed:	August 6, 2024
Scheduled Review Date:	December 1, 2026

### A. PURPOSE

The Respectful Environment Policy is designed to support a respectful teaching and learning environment that is free from discrimination or harassment.

### B. SCOPE

This Policy applies to all members of The Learning Company community including applicants, students, employees and external partners. This Policy applies to all College-related activities and interactions that occur in classes, labs, online, learning management system, practicum experience, and research activities. This policy also applies to activities off campus through other means of communication, such as social media.

### C. DEFINITIONS

#### **Complainant**

The Complainant is the individual who makes the complaint or allegation.

#### **Discrimination**

Discrimination is the intentional or unintentional differential treatment, unwelcome conduct, or comment to individuals based on actual or perceived characteristics.

#### **Formal Resolution Process**

The Formal Resolution Process is used for resolving conflicts that cannot be resolved through informal processes. Formal processes are structured, involve an investigation, and the outcomes become part of the Student Record.

#### **Informal Resolution Process**

An Informal Resolution Processes is a voluntary, structured, interaction between parties involved in a conflict.



### **Learning Environment**

The Learning Environment is any environment where teaching and learning occur including but not limited to the classroom, laboratory, online, and practicum experiences.

### **Respondent**

The Respondent is the individual against whom complaint or allegation has been forwarded.

### **Student Record**

A Student Record is the information which is contained within a student's file which may include personal information, admission, registration, academic, and disciplinary history at The Learning Company.

## **D. POLICY**

Freedom from discrimination and harassment is a basic right under the Manitoba Human Rights Code. The Learning Company is committed to a working and learning environment that is free from discrimination and harassment. Discrimination and harassment within the College Community is prohibited and will not be tolerated.

### **1. DISCRIMINATION AND HARASSMENT**

1.1 Discrimination is the intentional or unintentional differential treatment, unwelcome conduct, or comment to individuals based on, but not limited to;

- a. membership with a group of persons
- b. political belief
- c. income
- d. physical or mental disability
- e. ancestry
- f. nationality
- g. ethnic background
- h. religion
- i. religious belief
- j. age
- k. sex
- l. pregnancy
- m. gender identity
- n. sexual orientation
- o. family status, or
- p. social disadvantage.

1.2 Sexual Harassment includes;

- a. objectionable and unwelcome sexual solicitation



- b. objectionable and unwelcome sexual advances
- c. the threat of reprisal for rejecting a sexual advance or
- d. the threat of reprisal for rejecting a sexual solicitation.

1.3 Personal Harassment includes objectionable conduct such as, but not limited to;

- a. a physical act, gesture, verbal comment or some combination of these that adversely affects an individual's physical or psychological well-being.

## **2. APPROPRIATE USE OF AUTHORITY**

2.1 Appropriate use of authority does not constitute discrimination.

2.2 Some appropriate uses of authority include, but are not limited to;

- a. using appropriate authority to assign work
- b. disciplining and directing the work of employees
- c. determining grades
- d. recommending disciplinary action
- e. preventing inappropriate behaviors, and
- f. interpersonal conflict

## **3. SHARED RESPONSIBILITY**

3.1 Creating an environment that is free of discrimination and harassment is a shared responsibility.

3.2 Individuals who are subjected to discrimination and/or harassment are encouraged to confront the person(s) directly and inform the person(s) that their behavior is offensive and ask them to stop the behavior.

3.3 Members of The Learning Company Community are responsible for;

- a. being familiar with this policy
- b. taking reasonable, practical and timely actions to support this policy within the College Community
- c. cooperating with an investigation of breach of this policy.

3.4 The Learning Company staff who are aware of discrimination and/or harassment are required to take reasonable steps to address or resolve the issue. Failure to take action may result in staff disciplinary action.



#### **4. COMPLAINT AND INVESTIGATION PROCESS**

- 4.1 The Learning Company will deal with allegations of harassment and/or discrimination in a procedurally fair, unbiased and timely manner.
- 4.2 Complaints and investigations are handled through;
  - a. informal resolution processes
  - b. formal resolution processes
- 4.3 The Learning Company Senior Administration may request that an investigation be conducted in the absence of a formal complaint, if circumstances warrant.
- 4.4 Both the Complainant and Respondent may appeal the findings of this process using the formal Student Appeal Process.
- 4.5 Any member of the College Community can exercise their legal rights pursuant to any law, including filing a complaint with the Manitoba Human Rights Commission.

#### **5. CORRECTIVE ACTION**

- 5.1 Corrective actions may include, but are not limited to;
  - a. a public or private apology (verbal or written)
  - b. referral to psychological services
  - c. requirement for training around issue
  - d. restricted access to College campus
  - e. suspension/expulsion from a class
  - f. suspension/expulsion from the College
  - g. other disciplinary action.

#### **6. CONFIDENTIALITY**

- 6.1 All information relating to an incident will be confidential to all parties.
- 6.2 Information relating to an incident will be disclosed only as reasonably necessary for investigation, disposition, or as required by law.

#### **7. RETALIATION**

- 7.1 Retaliation against an individual who has complained of discrimination and/or harassment, who has given evidence in an investigation, or been found guilty of discrimination and/or harassment will result in corrective or disciplinary action.



**E. RELATED LEGISLATION**

Human Rights Code  
Workplace Safety and Health Act and Regulations

**F. PROCEDURE**

**INFORMAL RESOLUTION**

<b>Action</b>	<b>Responsibility</b>
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**COMPLAINT**

A complainant who believes that they have been subjected to discrimination and/or harassment may contact the Director for advice and assistance. Complaints should be raised within six months of the last event, though this timeline can be extended at the discretion of the Director.

Student

**RESOLUTION**

The Director will work to resolve the matter informally with the parties involved. Formal documentation of the incident will not be recorded in the Student Record.

Director

**FORMAL RESOLUTION**

<b>Action</b>	<b>Responsibility</b>
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**COMPLAINT**

A complainant who believes that they have been subjected to discrimination and/or harassment may submit a formal complaint in writing. Complaints must be raised within six months of the last event.

Student

**REVIEW OF COMPLAINT**

The formal complaint will be reviewed by the Director to ensure that the complaint falls within the scope of this policy. If it does not, the Director will provide other options or refer the Complainant to other College resources. If it is determined that the matter falls within the scope of this policy, the Director will determine if a formal investigation should be pursued. The Director will notify the Respondent in writing that a complaint has been filed, and provide a copy of this policy.

Director



## INVESTIGATION

An investigation will be facilitated by the Director. Additional internal and external investigators can be appointed by this individual to support the investigation. The investigation will include interviews of the Complainant, Respondent, witnesses, and any applicable evidence. Both Complainant and Respondents may be accompanied by a support person, who is not a witness to the investigation. The formal investigation process can be ended at any time to proceed with an informal resolution upon agreement by all parties.

Director

## FINDINGS

The Director will develop a written decision about whether the Respondent breached this policy. The Complainant and Respondent will be provided with a written summary of this decision within ten working days of the completion of the investigation. The Director has the discretion to share the results of the investigation with other key Administration team members as needed.

Director

## DISCIPLINARY ACTION

When it is determined that this Policy has been breached, the Director will take corrective action. The Director will confirm in writing that action has been taken and describe the action in writing.

Director

## COMMUNICATION & DOCUMENTATION

The Director will communicate with the Complainant in writing that corrective action has been taken, without providing confidential particulars of the action. The Director will provide the Administration Office with necessary documentation to be included in both the Complainant and Respondent Student files.

Director

## **G. SUPPORTING DOCUMENTATION**

None

## **H. RELATED POLICIES**

Student Code of Conduct Policy



the LEARNING company

**I. RELATED MATERIALS**

None

**Approved:** August 6, 2024

**Approved by:** The Learning Company Leadership Team

Travis Chastko  
Owner

Amy Kilburn  
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