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MONTREAL DIOCESAN THEOLOGICAL COLLEGE 1873

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## Policy on Harassment, Misconduct, and Discrimination

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### Introduction

- 1.1 Montreal Diocesan Theological College, including its United Church Studies Program, is committed to preventing and responding appropriately to any form of harassment, misconduct, discrimination, and other conduct prohibited by law (hereafter referred to as “proscribed behaviour”) and ensuring that everyone can pursue their education and professional development in a space that is free from unwelcome, inappropriate, or discriminatory behaviours. The college seeks to foster a learning and work environment that is free from proscribed behaviour and is one where students, staff, faculty, and visitors are treated with equity, respect, and dignity.
- 1.2 The college considers that proscribed behaviour, in any form it may take, is an infringement of a person’s dignity and physical and psychological integrity. The college recognizes its responsibility to create a climate dedicated to excellence, where learning, teaching, and research can thrive.
- 1.3 The college recognizes the unique role that faculty and staff play in preventing and responding appropriately to any form of proscribed behaviour. It also recognizes that fostering an environment that is free from proscribed behaviour is the shared responsibility of all members of the community. Members of the college community who do not comply with the guidelines set forth in this policy may be subject to further investigation which could lead to disciplinary measures, including dismissal from employment or dismissal from enrollment in an academic program.

- 1.4 The college defines its broader understanding of itself as a Community of Care in a separate document, which should be read alongside this policy. This present policy concerns the college's efforts to prevent and respond to proscribed behaviour.

## Definitions

- 2.1 "College" means Montreal Diocesan Theological College, inclusive of all of its programs.
- 2.2 "Complaint" means a formal statement or report made by an individual who has experienced or witnessed proscribed behaviour or action. A complaint leads to actions as defined in this policy.
- 2.3 "Complainant" means the person who brings forth a complaint or reports an incident of proscribed behaviour or action. This term also applies to a person who makes a complaint based on first-hand knowledge of misconduct by a person subject to the provisions of this policy. A complaint must refer to behaviour or action that has taken place within the two-year period immediately preceding the date of the complaint.
- 2.4 "Consent" means the voluntary and informed agreement between individuals to engage in specific activities, with the understanding that consent can be revoked at any time. All parties must be comfortable and empowered to communicate their boundaries or withdraw consent at any time.
- 2.5 "Days" means calendar days.
- 2.6 "Disclosure" means the act of revealing or sharing information, either verbally, in writing, or in some other fashion, to a member of the college faculty about an incident of proscribed behaviour of which the person making the disclosure has first-hand information. This action is not a complaint or report but may lead to a complaint or report. It may also result in more immediate support and accommodations.
- 2.7 "Discrimination" means the unfair and unlawful treatment of individuals based on characteristics such as race, gender identity or expression, sexual orientation, religion, political views, language, ethnic or national origin, pregnancy, or disability. Discrimination can manifest through actions or behaviors that create a hostile or unwelcome environment for certain individuals or groups or by resulting in the exclusion or preference of an individual group within the college community. The impact of these behaviours determines whether the concerning behavior is discriminatory.
- 2.8 "First-hand information" means information that a person has gathered by participating in, being subject to, or witnessing an event, behaviour, or action.
- 2.9 "Harassment" means any vexatious behaviour by one member of the college community towards another member of the college community in the form of repeated hostile or unwanted conduct, verbal conducts, actions or gestures, that affect the dignity or

psychological or physical integrity of another member of the college community and that result in a harmful environment for such an individual. Harassment includes but is not limited to psychological and sexual harassment as elsewhere defined in this policy.

- 2.10 “Member of the college community” means any student, faculty member, member of staff, member of the Board of Governors or its standing committees, as well as any temporary participant in a college activity or any visitor to the college during the time of their visit.
- 2.11 “Pastoral support” means the emotional, spiritual, or other forms of assistance provided to individuals during a complaint process. In some cases, this support may include offering resources, counseling, and guidance to assist individuals in the aftermath of certain incidents.
- 2.12 “Proscribed behaviour” means harassment, misconduct, discrimination, as defined in this policy, or other conduct prohibited by law.
- 2.13 “Psychological harassment” means unwelcome and persistent behaviours that have a detrimental impact on an individual’s mental and emotional well-being. This can include, but is not limited to, verbal abuse, threats, and intimidation. Harassment may be written, verbal, physical, electronic, or an unwelcome gesture or display.
- 2.14 “Report” means a comprehensive written communication or document by an individual who has experienced proscribed behaviours or who has first-hand information about such behaviours and shared with the Principal. A report may lead to a complaint.
- 2.15 “Respondent” means the individual against whom a complaint has been made. The respondent is the person accused of engaging in proscribed behaviour, and they are typically required to respond to the allegations during the investigation process.
- 2.16 “Sexual assault” means a form of sexual misconduct involving non-consensual sexual contact or activity. This type of assault is an offence prohibited by federal and provincial law, and includes acts such as rape, attempted rape, kissing, fondling, or any kind of unwanted sexual touching.
- 2.17 “Sexual harassment” means unwanted and inappropriate behaviour of a sexual nature that creates a hostile or intimidating environment. This can include an isolated incident, or a series of incidents that occur over a period of time. Some examples of sexual harassment include, but are not limited to, jokes or inappropriate stories of a sexual nature, sexually explicit photos, images or videos, comments about an individual’s marital status or sexual orientation, or the act of exposing oneself for others to view. Sexual harassment is prohibited by federal and provincial law.
- 2.18 “Sexual misconduct” means any unwelcome or inappropriate behaviour of a sexual nature, including but not limited to unwanted sexual advances, comments of a sexual nature, or any form of sexual exploitation.

- 2.19 “Sexual violence” means a range of harmful and forceful actions that target an individual’s sexuality or gender identity. This includes sexual assault, rape, and other coercive behaviours of a sexual nature, but can also refer to intimidation or bullying of a sexual nature.
- 2.20 “Unwelcome, inappropriate, or discriminatory behaviours” means words, deeds, or actions or inactions that constitute harassment, discrimination, or assault, whether of a sexual, psychological, verbal, physical, or other nature, and in accordance with the definition of those terms in this policy.
- 2.21 “Vexatious” means an action brought for the purpose of causing annoyance or frustration to another.

## Scope of the Policy

3.1 This policy applies to all members of the college community. This policy applies in all areas and contexts of the college’s life including:

- 1) college-sponsored activities that take place within the college building, understood as the physical space of University Hall that the college leases from McGill University, including St. Luke’s Chapel;
- 2) within college-sponsored programs, events, or activities whether on the premises of the college, off those premises, or in an online context, such as Convocation or an online course;
- 3) communications between members of the college community or official communication from the college by any means, technological or otherwise, including but not limited to social media, e-mail, text messaging, posters, letters, or verbal communication;
- 4) at a non-college sponsored event that takes place outside the college building between members of the college community acting in that capacity and where the conduct has consequences that may be reasonably seen to adversely affect the ability of a member of the college community to participate in a college-sponsored program or event or enjoy the college’s learning or working environment in a manner that is free of proscribed behaviours.

3.2 Montreal Diocesan Theological College acknowledges that it exists in an inter-institutional environment. Through the Montreal School of Theology, it shares relationships with McGill University and The Presbyterian College. Some of its employees and faculty are subject to policies governing the conduct of clergy in their respective denominations. A person may therefore choose to direct their action following one or more of these policies. It is the commitment of the college:

- 1) that complainants receive information about the range of possible policies
- 2) that college faculty will help the complainant, if desired, identify the policy most relevant to the complainant’s situation
- 3) that both complainants and respondents have access to due process and appropriate support throughout the complaint process.

Nothing in this policy prevents someone from making a complaint under more than one policy or to more than one institution in relation to a single instance of proscribed behaviour.

## Policy Statements

- 4.1 Disclosures, reports, and complaints may be made concerning proscribed behaviour affecting a member of the college community. All disclosures, reports, and complaints of proscribed behaviour will be taken seriously. Every complaint will be received and acted upon in accordance with the terms of this policy.
- 4.2 All disclosure, reports, or complaints shall be held in confidence, except as required by law. In accordance with civil law, any disclosure, report, or complaint of child abuse or of vulnerable persons will be reported to the child protection agency (CPEJ – Centre de protection de l'enfance et de la jeunesse) immediately.
- 4.3 An employee of the college who alleges that they have been psychological 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.
- 4.4 No individual who discloses or reports proscribed behaviour shall be pressured to make a complaint.
- 4.5 Individuals who disclose, report, or make complaints about actions that are criminal acts, including but not limited to physical or sexual assault, shall be advised of their right to report the incident to the police.
- 4.6 The person against whom the complaint is made is always presumed innocent unless proven guilty.
- 4.7 The college is committed to responding to disclosures, reports, and complaints in a way that is trauma-informed and procedurally fair. Trauma-informed means an approach that recognizes and responds to the potential impact of trauma on individuals and acknowledges how trauma may affect an individual's ability to think clearly, make decisions, seek help, or properly report acts of violence. Procedurally fair means conducting all investigations and disciplinary actions in a thorough, impartial, and transparent manner. This involves providing all parties involved, including the complainant and respondent, with equal opportunities to present their perspectives and evidence.
- 4.8 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 relationships. Any sexual contact between a faculty member or instructor and a student is an instance of sexual abuse or harassment.

- 4.9 No staff member of the college may enter into a romantic and/or sexual relationship with a student in cases where the staff member has influence over the student's academic program or has authority over the student in some way.
- 4.10 Those who observe or know of incidents or patterns of proscribed behaviour can contribute to making classes and events free from this behaviour. Anyone having knowledge of such incidents or patterns of behaviour may encourage the person who is subject to such behaviour to begin the process of disclosure, report, or complaint. They may also express their concerns to the Principal or member of the faculty themselves but this does not constitute a disclosure, complaint, or report as defined in this policy. To initiate action under this policy requires first-hand knowledge of proscribed behaviour.
- 4.11 It is expected that all members of the college community shall contribute to maintaining an environment that is free of proscribed behaviour, including but not limited to respecting individuals in the course of their work, studies, and teaching, and participating in the mechanisms put in place by the college to prevent, stop, and respond to proscribed behaviour.
- 4.12 No action to punish, disadvantage, or retaliate against an individual who makes in good faith a disclosure, complaint, or report shall be taken by the college, its faculty, or staff.
- 4.13 No person or persons shall knowingly make a false or vexatious disclosure, complaint, or report. To intentionally do so will be treated as a form of proscribed behaviour and subject to this policy.

## Prevention

- 5.1 In accordance with this policy, the Principal and faculty shall have special responsibility to work to make the college community free from proscribed behaviour, including through education about this policy and the prevention of proscribed behaviour among members of the college community.
- 5.2 The Principal and faculty shall ensure that the curriculum regularly contains opportunities to learn about the prevention of proscribed behaviour and the damaging impact of such behaviour on Christian communities.
- 5.3 When new people are hired to join the faculty or staff, their written agreement to comply with this policy shall be required. When new people join the faculty or staff, part of their orientation to the role will include a review of this policy.
- 5.4 All members of the faculty shall be required to undergo regular training in regard to preventing proscribed behaviour. This will often be met by completing trainings offered by partner denominations.

## Procedures

- 6.1 In relation to this section, if a member of the college community believes that they have been subjected to psychological or sexual harassment by the Principal, then the policy-related actions required of the Principal here shall be undertaken by the Secretary of the College's Board of Governors. The contact information for the Secretary may be found in the Student Handbook of the college.
- 6.2 Whenever possible, the person who believes they are being subject to proscribed behaviour can first inform the person who is engaged in such behaviour that the particular behaviours, words, and/or actions are unwelcome and ask that they stop. Other people observing or witnessing proscribed behaviour may also ask that such action stop. Disclosures, reports, and complaints will not be treated differently if a person believes they are unable to do this.
- 6.3 In the context of this policy, neither a disclosure nor a report requires further action, though it may lead to suggested further steps. A complaint leads to actions as outlined in this section.
- 6.4 If a member of the college community makes a disclosure of proscribed behaviour, the Principal may deploy a mediation process, as agreed to by both parties, or may determine that mediation is not appropriate and so encourage a written report from the member.
- 6.5 If mediation does occur, each of the complainant and respondent have the right to be accompanied and assisted during the mediation sessions by one person each who can provide pastoral support to them during the process.
- 6.6 If a member of the college community believes they have been subjected to proscribed behaviours, and that member does not wish to follow a mediation process they may submit a report or complaint. In accordance with section 4.4, no person shall be pressured or compelled to submit such a report or complaint. To lead to action under this policy, a complaint must be made within 12 months of the last instance of proscribed behaviour.
- 6.7 The complaint must set out in sufficient detail, in writing: the act(s) or omissions that the Complainant experienced as proscribed behaviours, the identity of the Respondent(s), information about the incident(s) (e.g., time(s), location(s)), and any additional relevant information. A template for this report is provided as an appendix to this policy.
- 6.8 At his/her discretion, the Principal may seek the approval of the person who has submitted a report of proscribed behaviour to treat that report as a complaint under the terms of this policy.
- 6.9 Upon receipt of a complaint, the Principal will acknowledge receipt within 3 days. The Principal will then conduct an initial review to determine whether:
  - (i) The report falls within the scope and jurisdiction of this policy
  - (ii) Any immediate remedial measures may be warranted at that time.

- 6.10 Within five working days of acknowledging receipt of the complaint, the Principal shall make a determination as to whether the complaint falls within the scope and jurisdiction of this policy. If it does, the Principal shall then forward the complaint to Executive Committee of the Board of Governors and advise the Complainant in writing of this decision. If it does not, the Principal shall advise the Complainant in writing of this decision and refer the Complainant to other appropriate processes.
- 6.11 When the Principal decides to forward a complaint to the Executive Committee, he/she shall also inform the Respondent(s) of the complaint that a complaint has been made and provide them with a copy of the complaint. The Respondent shall have five days to offer a written response to the complaint that includes their description of what transpired. This written response shall be provided to the Executive Committee.
- 6.12 If the Principal forwards the complaint to Executive Committee, the Principal shall ensure that the Complainant and Respondent have pastoral support as appropriate.
- 6.13 If the Complainant or Respondent are members of the Executive Committee, they shall recuse themselves from all meetings pertaining to the complaint and investigation as described in this policy.
- 6.14 Upon receiving a complaint, the Executive Committee may find that immediate measures should be put in place to protect the security or wellbeing of the Complainant and/or the wellbeing of the college community. Such immediate measures must not be interpreted as a finding of guilt or innocence 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) an administrative leave of absence
- 6.15 In the event of a criminal process (with the laying of charges and a criminal trial) against an employee or faculty member of the college community, in relation to any matter of proscribed behaviour, the employee or faculty member shall be placed on a leave of absence, as determined in consultation with the appropriate authorities (CNESST, 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.
- 6.16 It is the responsibility of the Executive Committee to take action on a complaint. These actions may include:
- 1) refer the complaint to a conflict resolution facilitator, provided that both the complainant and respondent are agreeable.
  - 2) refer the complaint to an investigator. The Executive Committee shall make this determination by assessing the complaint and response. If there are discrepancies



- between the complaint and the response or there are other concerns identified by the Executive Committee, an investigator will be assigned.
- 3) take an alternate course of action
  - 4) determining that no further action is required if it determines that the complaint does not refer to proscribed behaviour as defined in this policy; has been dealt with previously; or that the complaint is vexatious or without substance.

This decision is not subject to appeal.

6.17 If the Executive Committee determines that the complaint merits an investigation, the Executive Committee will direct the Principal to arrange for an independent and confidential investigation of the complaint. The purpose of the investigation is to make necessary findings of fact and may include, but is not limited to, the following:

- (i) meeting with and requesting information from the Complainant;
- (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 Complainant 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.

6.18 The Investigator shall submit a report to the Executive Committee and a conclusion as to whether or not the evidence is sufficient to find, on a balance of probabilities, that proscribed behaviour occurred. The report may also include a recommendation as to whether disciplinary and/or administrative measures should be taken, including a description of the impact of the proscribed behaviour on the Complainant. The Executive Committee may seek further information or clarification prior to approval but shall not reinvestigate the facts of the case.

6.19 If the report, as received by the Executive Committee, determines that the evidence is insufficient to find that proscribed behaviour has occurred, the Executive Committee shall, within 10 days of receipt of the report, confirm to the parties in writing that the matter is closed.

6.20 If the report determines that the evidence is sufficient to find, on a balance of probabilities, that proscribed behaviour has occurred, the Executive Committee shall, within 10 days of receipt of the report, implement appropriate disciplinary or administrative measures. Within 10 days of the implementation of disciplinary measures, the Executive Committee shall communicate to the Complainant that disciplinary or administrative measures have been taken.

6.21 The Complainant'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.

6.22 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.

6.19 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 an academic program

6.20 Disciplinary outcomes in the case of faculty or staff include, but are not limited to.

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

6.21 Disciplinary outcomes in the case of members of the Board of Governors include, but are not limited to:

- (i) letter of reprimand
- (ii) temporary suspension
- (iii) termination from membership in the Board of Governors

6.22 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 in relation to the complainant.

6.23 The Executive Committee's actions in regard to disposition of a complaint are not subject to appeal.

6.24 If the report determines that the evidence is sufficient to find, on a balance of probabilities, that proscribed behaviour has occurred, and the Respondent is an ordained minister of any denomination, works for a denominational body, or is a member of any professional college or order, the Executive Committee shall submit the report, as well as a report concerning disciplinary measures implemented, to the relevant adjudicatory body of that staff or faculty member.

6.25 A person who believes that he or she is or has been subjected to proscribed behaviour in connection with their work may also file a complaint at any time directly with the *Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)*. The maximum time limit for doing so is two (2) years from the last occurrence of harassment. The complaint can be filed online or by phone at 1-844-838-0808. The fact that an employee chooses to file a complaint first with his or her employer does not prevent him or her from also filing a complaint with the *CNESST*.

6.26 More information about the Commission des normes, d'équité, de la santé et de la sécurité du travail (CNESST) is available online at <https://www.cnesst.gouv.qc.ca>

## Appendix: Other Policies

As noted in section 3.2, the college is part of an inter-institutional environment. Other policies which may be of relevance to members of the college are as follows:

- [Montreal School of Theology Sexual Abuse and Harassment Policy](#)
- [The Presbyterian College Policy on Psychological or Sexual Harassment](#)
- [McGill University Policy on Harassment and Discrimination](#)
- [McGill University Policy Against Sexual Violence](#)
- [The United Church of Canada Workplace Discrimination, Harassment, and Violence Response Policy](#)
- The Diocese of Montreal in the Anglican Church of Canada
  - [Safe Church Harassment Policy](#)
  - [Sexual Misconduct Policy](#)
  - [Sexual Abuse Policy](#)

The links in this policy are current as of the adoption date of this policy.