

Policy Name:	BULLYING, HARASSMENT AND DISCRIMINATION	 coast mountain college
Approved By:	President's Council & Board of Governors	
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Policy Holder:	President's Council	
Operational Lead:	Director, Human Resources	
Policy Number:	HMR-003	

BULLYING, HARASSMENT AND DISCRIMINATION POLICY

1.00 PURPOSE

- 1.1 Coast Mountain College (CMTN) is committed to providing a learning and working environment that is free from all Bullying, Harassment, and Discrimination, an environment in which all Employees and Students are treated with dignity and respect. This policy articulates the obligations of all members of the College Community to behave in a manner consistent with this commitment.
- 1.2 The *Bullying, Harassment, and Discrimination Procedure* identifies the steps for reporting, addressing, and resolving Complaints regarding violations of this Policy.
- 1.3 This Policy outlines and defines the prohibited conduct of Bullying, Harassment, and Discrimination.
- 1.4 All Employees have a responsibility for ensuring the College's working and learning environment is free from Bullying, Harassment, and Discrimination.
- 1.5 Bullying, Harassment, and Discrimination within the scope of this Policy are strictly prohibited.

2.00 DEFINITIONS

- 2.1 **Bullying:** Included in the definition of Harassment.
- 2.2 **College Community:** Anyone who works or studies at the College.
- 2.3 **College-Related Activity:** Any activity occurring on College property (including student residences), at College-sanctioned events or conducted under the authority of the College. To be a College-Related Activity, the activity must have a real and substantial connection to the College or College-related functions, whether the activity occurred on College property, in person, or online.
- 2.4 **Complainant:** The person who seeks recourse under this Policy based on a belief that they have witnessed or experienced conduct which is prohibited by this Policy. The College may act as a Complainant in appropriate circumstances.
- 2.5 **Complaint:** A statement of alleged facts made by a Complainant seeking recourse under this Policy. A Complainant may use the Complaint Form to file a Complaint (see

Complaint Form under Resources on the CMTN website. A Complaint may be made anonymously, and employees may file a Complaint anonymously.

- 2.6 **Dean:** The Dean of Student Success, who usually receives the Complaint from a student.
- 2.7 **Director:** The Director of Human Resources, who usually receives the Complaint from an employee.
- 2.8 **Discrimination:** Conduct or comments directed at an individual or a group based on one or more of the grounds protected under the BC *Human Rights Code*: sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, age, physical or mental disability, sexual orientation, gender identity or expression, or a criminal conviction unrelated to the person's employment.
- 2.9 **Employee:** A person who is employed by the College, including administrators, faculty members, staff and contractors, and students when employed by the College (e.g., as Student Assistants). For the purposes of this Policy, the definition also includes members of the Board of Governors.
- 2.10 **Harassment:** Harassment, which includes Bullying, means any inappropriate action, conduct, or comment by a person towards another person that the person responsible for the action or comment knew or reasonably ought to have known would cause the other person to be humiliated or intimidated but excludes:
 - a) any reasonable action taken by the College, or by its employees in supervisory positions, relating to the management and direction of Employees or the workplace;
 - b) any reasonable action taken by the College, or by an instructor, faculty member, or person in a similar position, relating to the management and direction of Students in the classroom, the management of Student conduct, or the management, direction, assignment, or supervision of academic work.
- 2.11 **Investigator:** A person appointed by the College to investigate a Complaint; may be an internal representative of the College or a person external to the College.
- 2.12 **Respondent:** Any person against whom an allegation has been made under this Policy.
- 2.13 **Retaliatory Action:** Any adverse action taken against a person because that person reports or alleges a violation of policy, seeks advice on making a Complaint, makes a Complaint, or cooperates in an investigation of a Complaint.
- 2.14 **Sexual Harassment:** Conduct or comments of a sexual nature that are unwelcome, and that detrimentally affect the work or learning environment or lead to adverse job- or education-related consequences. Sexual Harassment is not within scope of this policy: see [EDU-007, Sexual Violence and Misconduct Policy](#) for a more complete definition.
- 2.15 **Student:** A person enrolled in studies at the College in credit or non-credit courses.

3.00 SCOPE OF THIS POLICY

- 3.1 This Policy applies to Employees and Students of the College while engaging in College-Related Activities.
- 3.2 The Complaint investigation and resolution procedure that accompanies this Policy (*Bullying, Harassment, and Discrimination Procedure*) will be followed when a Complaint is made under this Policy and involves Employees, an Employee and a Student, or two or more Students.

- 3.3 If a Complaint made under this policy involves a bargaining unit employee as either the Complainant or the Respondent, and if the terms of their collective agreement apply to the circumstances, the collective agreement provisions will prevail, as appropriate, unless otherwise agreed by the College and the applicable union.
- 3.4 Any reference to a position in this Policy includes any person that may be named as a designate to that position.
- 3.5 Where the complaint is found by the Investigator to be false and malicious, the President (or the Chair of the Board of Governors) may impose a sanction on the Complainant.

4.00 CONFIDENTIALITY AND ANONYMITY

- 4.1 Allegations of Bullying, Harassment, or Discrimination may require the disclosure of sensitive information. In order to encourage persons who have been Bullied, Harassed or Discriminated against to come forward, and to protect the rights and reputations of the Complainant and the Respondent throughout the investigation process, the College will ensure that confidentiality is maintained.
- 4.2 All individuals involved in the Complaint resolution and investigation process must keep confidential all information received about the Complaint, except as expressly set out in this Policy, or as required by law.
- 4.3 Confidentiality must, however, be distinguished from anonymity. If a Complainant wishes to proceed with Formal Mediation or Formal Investigation, the Respondent must be made aware of the nature of the complaint, including the identity of the Complainant.
- 4.4 In the case of a workplace Complaint, the College is bound by WorkSafeBC regulations to investigate all Complaints involving workplace hazards to its employees.
- 4.5 Personal information, whether oral or written, which is collected, received, or compiled from a Complaint and through the course of an investigation and resolution process will be treated as confidential by the College in accordance with privacy legislation.
- 4.6 The College and its Employees shall make reasonable efforts to ensure the accuracy of the personal information they collect and use under this procedure.
- 4.7 Where reasonably necessary, the Director, Dean, or Investigator may disclose such information to the appropriate individuals to:
 - a) protect health and safety
 - b) ensure a full and fair investigation into the Complaint
 - c) implement corrective measures
 - d) obtain legal advice
 - e) inform law enforcement of reasonably suspected criminal activity or serious risk of bodily harm to an individual in keeping with privacy legislation.

5.00 PROCEDURAL FAIRNESS

- 5.1 The College will deal with allegations of Bullying, Harassment, and Discrimination in a procedurally fair, unbiased, and timely manner.
- 5.2 All parties to a Complaint will be provided with a copy of this Policy.

- 5.3 The Respondent will be informed of the nature of the Complaint and will be given a reasonable opportunity to respond.
- 5.4 If, at any time throughout the Complaint Procedure process, either party behaves in a threatening manner toward the other, that party will be suspended from College premises until the process has been completed and resolution determined.

6.00 RETALIATION

- 6.1 Retaliation against anyone who, in accordance with this Policy, reports an alleged occurrence of Bullying, Harassment, or Discrimination, or who participates in an investigation into Bullying, Harassment, or Discrimination, is strictly prohibited.

7.00 TRAINING

- 7.1 The College will ensure that all Employees receive appropriate training on this Policy and its associated Procedure, including recognizing, responding to, and reporting Bullying, Harassment, and Discrimination.

8.00 INTERIM MEASURES

- 8.1 The College President & CEO may take whatever interim measures he/she/they considers necessary in all the circumstances, pending the investigation of a Complaint of Bullying, Harassment, or Discrimination.
- 8.2 Such measures may include, but are not limited to, suspending one of the parties from the College, or ordering one of the parties to cease and desist from engaging in a particular type of behaviour, pending investigation.
- 8.3 In the event that the Bullying, Harassment, or Discrimination charge involves the President & CEO, the Chair of the College Board will take whatever interim measures are necessary.

9.00 APPEALS

- 9.1 The Complainant or the Respondent may appeal the decision to the College Board Chair. See *Bullying, Harassment and Discrimination Procedure* for the appeal process.

10.00 RELATED POLICIES, PROCEDURES, AND SUPPORTING DOCUMENTS

- 10.1 [ADM-009, Student Non-Academic Conduct](#)
- 10.2 [EDU-007, Sexual Violence and Misconduct Policy](#)
- 10.3 [HMR-003P, Bullying, Harassment, and Discrimination Procedure](#)
- 10.4 [Complaint Form](#)

11.00 HISTORY

Created/Revised/ Reviewed	Date	Author	Approved By
Created	Sept 17, 2013		President’s Council
Revised	Feb 10, 2023	L. Lyons & P. Pryce	PC & BOG