

Policy Name:	HARASSMENT & DISCRIMINATION	 <p>coast mountain college</p>
Approved By:	President's Council	
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Policy Holders:	Human Resources & Student Services	
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Category:	Human Resources, Education	

HARASSMENT & DISCRIMINATION

1.00 PURPOSE

The College is committed to providing a learning and working environment which is free from all harassment and discrimination. The College considers harassment and discrimination to be a serious violation of an individual's fundamental rights. The College does not condone or tolerate any discrimination or harassing behaviour which undermines the dignity, self-esteem and productivity of any student or employee. Members of the College community who engage in harassment or discrimination may be subject to a range of disciplinary measures, up to and including suspension, dismissal or expulsion from the College, as well as penalties under the [BC Human Rights Act](#) (SBC Chap. 22 Index Chapter 185.5).

2.00 DEFINITIONS

2.01 **Sexual Harassment**

2.01.1 Sexual-oriented verbal or physical behaviour which is unwanted by any individuals to whom such behaviour is presented. Such behaviour could include, but is not limited to:

- touching, patting or other physical contact;
- leering, staring or the making of sexual gestures;
- implicit and explicit demands for sexual favours;
- verbal abuse or threats;

- unwanted sexual invitations;
- physical assault of a sexual nature;
- distribution of materials or comments, both written and oral, of a pornographic or sexist nature;
- Promise of reward for sexual favours expressed or implied threat for failing to provide sexual favour.

2.01.2 Both males and females can be sexually harassed by members of either sex.

2.02 **Personal Harassment:** Personal harassment means a course of verbal or physical conduct which causes substantial distress in that person or persons, and serves no legitimate College-related purpose. It includes, but is not limited to:

- physical threats or intimidation;
- physical assault;
- words, gestures or actions, intended to humiliate, alarm and abuse another person;
- discriminatory conduct, based upon another person's race, colour, ancestry, place of origin, political beliefs, religion, gender, marital status, physical or mental ability, sex, age, family status, socio-economic status, sexual orientation or union activities;
- an expressed or implied threat of reprisal or promise of reward.

2.02 **Discrimination**

2.02.1 As it applies to the College, discrimination is defined as denial of any accommodation, service or facility, or opportunity that is customarily available to the public, because of a person's race, colour, ancestry, place of origin, political beliefs, religion, gender, marital status, physical or mental ability, sex, age, family status, socio-economic status, sexual orientation or union activities.

2.02.2 Discrimination as it applies to the College employees, is defined as refusing to employ or continue to employ a person, or refusing to provide an opportunity or benefit with respect to employment or any term or condition of employment, because of a person's race, colour, ancestry,

place of origin, political beliefs, religion, gender, marital status, physical or mental ability, sex, age, family status, socio-economic status, sexual orientation or union activities.

- 2.04 **Additional Guidelines:** To constitute harassment or discrimination, the behaviour need not always be repeated or persistent; in some circumstances, a single incident will suffice. Harassment or discrimination may occur between persons of the same or different status within the College community, including administrators, faculty members, staff members, contractors (or their employees) or students.
- 2.05 **Administrator:** a person employed by the College in an administrative capacity;
- 2.06 **Complainant:** a person who alleges that he or she has been harassed or discriminated against;
- 2.07 **Faculty:** an employee who is covered by the collective agreement between the College and either CUPE or BCGEU.
- 2.08 **Respondent:** a person who is alleged to have engaged in harassment or discrimination contrary to this Policy;
- 2.09 **Staff Member:** an employee who is covered by the collective agreement between the College and the BCGEU;
- 2.10 **Student:** a person who is registered as a student at the College.
- 2.11 **College Community:** anyone not covered by the above definitions, who works or studies at the College.

3.00 SCOPE OF THIS POLICY

- 3.01 This policy is intended to address and eradicate harassment and discrimination which occurs on College sites, or which otherwise interferes with an individual's employment or studies. Off-premise behaviour which is unrelated to an individual's employment or studies at the College is not covered.
- 3.02 This Policy is subject to any applicable provisions contained in the CUPE and BCGEU collective agreements. Where such a collective agreement provision applies and is inconsistent with a part of this Policy, the collective agreement provision will prevail to the extent of the inconsistency.

4.00 PROCEDURAL FAIRNESS

- 4.01 The College will deal with allegations of harassment in a procedurally fair, unbiased and timely manner.
- 4.02 All parties to a complaint will be provided with a copy of this Policy.
- 4.03 The Respondent will be informed of the nature of the complaint, and will be given a reasonable opportunity to respond.
- 4.04 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.

5.00 INTERIM RELIEF

The College President may take whatever interim measures he or she considers necessary in all the circumstances, pending the investigation of a complaint of harassment or discrimination. 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. In the event that the discrimination or harassment charge involves the President, the Chair of the College Board will take whatever interim measures necessary.

6.00 CONFIDENTIALITY & ANONYMITY

- 6.01 Allegations of harassment or discrimination may require the disclosure of sensitive information. In order to encourage persons who have been 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.
- 6.02 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.
- 6.03 In the case of a workplace complaint, the College is bound by WorkSafeBC regulations to investigate all complaints involving workplace hazards to its employees (see Section 5.1 of the [Workers Compensation Act](#), 2011).

7.00 COMPLAINT PROCEDURE

7.01 Initial Consultation

A member of the College community who feels that he or she has been harassed or discriminated against should begin by discussing the matter with their shop steward (if the Complainant is covered by a collective agreement), the Director of Human Resources, or the Manager of Student Services if the Complainant is a student. The situation will be reviewed confidentially and the Complainant will be provided with information and advice regarding: whether the behaviour in question may constitute harassment or discrimination under this Policy; the procedures and options available to the Complainant; and steps which the Complainant may wish to take to resolve the situation him/herself.

7.02 Informal Consultation

If the Complainant, after initial consultation, wishes to proceed with a complaint, he or she must provide a written complaint to either the Manager of Student Services or the Director of Human Resources as appropriate, containing full particulars of the facts surrounding the complaint. The Respondent must see the written complaint and be given an opportunity to respond in writing. The Complainant has the right to see the Respondent's written reply and have an opportunity to comment. Comment will be made through the Director of Human Resources and provided to the Complainant.

7.02.1 If the matter cannot be resolved within a mutually acceptable time frame the Complainant or the Respondent may request Formal Mediation or Formal Investigation.

7.03 Formal Mediation

7.03.1 Formal Mediation may only occur with the consent of the Complainant and the Respondent.

7.03.2 Formal Mediation is conducted on an entirely "without prejudice" basis. Matters discussed, or statements made, during Formal Mediation may not be disclosed if the matter proceeds to Formal Investigation. The Mediator will not be questioned, or otherwise participate, in any subsequent investigation process.

- 7.03.3 The Mediator shall be any person who is agreed upon by both the Complainant and the Respondent.
- 7.03.4 The role of the Mediator is to discuss the matter with the parties and attempt to reach a mutually acceptable solution. The Mediator has no remedial or punitive powers.
- 7.03.5 The mediation process is flexible, although the Mediator must ensure that each party is given a reasonable opportunity to respond.
- 7.03.6 Each party may be accompanied by another person during Formal Mediation.
- 7.03.7 If Formal Mediation is unsuccessful, Formal Investigation may be requested by the Complainant.

7.04 Formal Investigation

- 7.04.1 A written request for Formal Investigation must be submitted by the Complainant to the Director of Human Resources or the Manager of Student Services.
- 7.04.2 An outside Investigator, chosen by the Director of Human Resources or the Manager of Student Services, will interview the Complainant, the Respondent and any other individuals whom the Investigator believes may have information relevant to the complaint. The Investigator will conduct such interviews as quickly as possible, but will give reasonable consideration to the schedules of the individuals involved, and will provide such persons with a reasonable amount of time to prepare for their interviews.
- 7.04.3 The Investigator will ensure that both the Complainant and the Respondent are aware of the positions of the other, and of any allegations made against them by the other individuals, and are given a reasonable opportunity to respond.
- 7.04.4 The Complainant and the Respondent may be accompanied by another person during the Formal Investigation process.
- 7.04.5 Where the Investigator considers that several complaints are related, she/he may investigate those complaints together.
- 7.04.6 After the Investigator has completed the investigation, she/he will prepare a written report, containing the findings and recommendations. The report will be strictly confidential, and will be submitted only to the College

President, or the Chair of the Board (if the complaint involves the College President.)

7.05 Formal Decision

7.05.1 After reviewing the report of the Investigator, the College President, (or Chair of the Board) will make such decision(s), and take such action(s), as he or she considers appropriate in all of the circumstances.

7.05.2 Actions taken may include, but are not limited to: Private or public reprimand; Suspension from the College; Expulsion from the College; Disciplinary action, up to and including dismissal; Education, remedial or preventative actions; Relocation.

7.05.3 The College will endeavour to protect the Complainant from any subsequent harassment, discrimination or reprisal.

7.05.4 The President's (or Board's) decision will be rendered in writing.

7.06 False and Malicious Complaints

7.06.1 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.

7.07 Time Limits

7.07.1 The initial written complaint must be initiated within six months of the date of the last alleged incident of harassment.

7.07.2 All harassment and discrimination complaints will be dealt with expeditiously: Formal Mediation - thirty (30) days within receipt of written complaint
Formal Investigation - thirty (30) days within receipt of written request
Formal Decision - two weeks

7.08 Appeal

7.08.1 The Complainant or the Respondent may appeal the decision to the College Board Chair.

- 7.08.2 Such an appeal must be commenced in writing within two weeks of receipt of the decision, and must contain full particulars of the grounds for the appeal.
- 7.08.3 The College Board Chair will provide a copy of the appeal particulars to the other party, and will invite a written response, to be received within two weeks. A copy of the response will be provided to the appellant, who will have five calendar days in which to reply.
- 7.08.4 After reviewing the written submissions, the College Board Chair may, at her/his discretion, ask the parties to present oral submissions. If that occurs, both parties will have the opportunity to be present when such submissions are being made.

8.00 TRAINING AND EDUCATION

- 8.01 The College will initiate a program to ensure that members of the College community are aware of this Policy.
- 8.02 The College will take steps to educate members of the College community regarding harassment and discrimination, and to prevent them from occurring.
- 8.03 The College will ensure that harassment and discrimination training is provided to persons responsible for dealing with initial complaints

9.00 RELEVANT LINKS & RESOURCES

- [WorksafeBC - Bullying & Harassment](#)
- [Workers Compensation Act](#)
- [BC Human Rights Act](#)
- [Employee and Family Assistance Program \(fseap\)](#)
- Student Counselling Services (Free and Confidential): Call 1-844-451-9700 or chat online at keepmesafe.org