

## HARASSMENT AND DISCRIMINATION POLICY

### OVERVIEW

The overarching aim of the Harassment and Discrimination policy is to protect staff and students' physical safety, social connectedness, inclusiveness and protection from all forms of bullying, regardless of their gender, race, culture, religion, sexual orientation or gender identity.

Columbia College is committed to providing a safe, caring, respectful and orderly learning and working environment that is free of any form of discrimination, harassment and bullying. The policy has been implemented to protect all members of the Columbia College community.

Members of the Columbia College community are expected to adhere to the behavioral expectations outlined in the Columbia College Code of Conduct (Columbia College Calendar, Code of Conduct, page 29).

Any unacceptable behavior such as any form of bullying, harassment, hate speech, intimidation, threatening or violent actions while at the College or while participating in any College function on or off campus will be subject to a disciplinary action (Columbia College Calendar, Disciplinary Actions, page 29), which may take the form of a verbal warning, a written warning, a temporary suspension, or expulsion from the College, depending on the seriousness of the infraction.

The College will treat all personal information received as confidential and take all reasonable steps to protect the sources of such information and to prevent retaliation against the person or people who have made a complaint regarding a breach of the Policy.

To achieve these goals, Columbia College will

- Promote inclusiveness and acceptance
- Communicate expectations, values, and norms that support positive personal, social, and academic behavior
- Connect with individuals who are experiencing negative personal, social, and/or academic issues
- Engage members of the Columbia College community in the process of establishing policies and activities that serve to prevent the occurrence of discriminatory behavior and that promote a safe and positive learning and working environment for all.

**Members of the College who feel they may have been harassed should consult the College's Harassment Officer, the Director of Student Services, for confidential advice and information.**

### HARASSMENT (and BULLYING) POLICY

Columbia College believes its students, staff and faculty should be afforded the opportunity to study and work in an environment free of harassment. Harassment is a form of misconduct that undermines the educational and employment environment. No student or employee, either male or female, should be subjected verbally or physically to unsolicited and unwelcome physical, visual, or verbal conduct.

Bullying will be treated as an extreme form of Harassment.

Behavior that amounts to harassment may result in disciplinary action, up to and including expulsion or dismissal.

### DEFINITION

Columbia College Harassment Policy incorporates and extends upon the definition of harassment set forth by the *British Columbia Human Rights Act*. The *Act* protects everyone within provincial jurisdiction from

harassment and other forms of discrimination “because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.”

Harassment refers to behaviour that is not welcome, that is personally offensive, that debilitates morale and, therefore, interferes with the opportunity to study or work effectively.

Harassment is a form of discrimination. It is any unwelcome physical, visual, or verbal conduct. It may include verbal or practical jokes, insults, threats, personal comments or innuendo. It may take the form of posters, picture or graffiti. It may involve touching, stroking, pushing, pinching, or any unwelcome physical contact, including physical assault. Unwelcome sexual acts, comments, or propositions are harassment.

If someone feels that he/she has been harassed he/she may report it to the College’s Harassment Officer (Director of Student Services).

### **The College’s Responsibility**

Columbia College endeavours to provide a study and work environment free of harassment. Harassment is specifically prohibited as unlawful by the British Columbia Human Rights Act and as a violation of Columbia College policy. Columbia College is responsible for preventing harassment in the workplace, for taking immediate corrective action to stop harassment in the workplace, and for promptly investigating any allegation of study or work related harassment.

### **Complaint Procedure**

If you experience or witness harassment at Columbia College, it should be reported immediately to the College’s Harassment Officer. All allegations of harassment will be quickly investigated following the College’s Harassment Protocols. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of that investigation.

### **Harassment Officer**

Director of Student Services. (Board of Governors will appoint alternate if necessary).

### **Retaliation Prohibited**

Columbia College will permit no educational- or employment-based retaliation against anyone who brings a complaint of harassment or who speaks as a witness in the investigation of a complaint of harassment.

### **Written Policy**

Faculty and Staff are made aware of Columbia College’s harassment policy when they begin working at Columbia College. Should this policy be amended or modified, the amended or modified policy will be made available to Faculty and Staff. Students can obtain a copy from Student Services.

### **Penalties**

Harassment will not be tolerated at Columbia College. If an investigation of any allegation of harassment shows that harassing behaviour has taken place, the harasser will be subject to disciplinary action, up to and including expulsion or dismissal.



## **LEVELS OF HARASSMENT**

### **LEVEL 1**

If the situation involves:

- Allegations of mildly offensive jokes
- Allegations of mildly offensive harassing comments or behaviour
- Allegations of offensive or explicit posted picture, computer screens or literature
- Allegations of unwanted flirtatious behaviour or repeated unwanted requests for dates
- A less serious infraction

### **LEVEL 2**

If the situation involves:

- A less serious repeat offence (as described in Level One)
- Allegations of repeated non-sexual, non-violent physical contact
- Will not cease flirtation or unwanted requests for dates.
- Allegations of repeated explicit or clearly offensive jokes, comments or behaviour.
- Allegations of repeated displaying of offensive or explicit pictures, computer screens or literature.

### **LEVEL 3**

If the situation involves:

- Allegations of physical violence
- Allegations of threats, promises or coercion
- Allegations of bizarre behaviour
- A clearly serious infraction; e.g. sexually-oriented physical contact or assault, white supremacist literature, anti-religious graffiti
- A serious first time offense
- Persistent behaviour after the alleged harasser has been formerly advised the behaviour is unacceptable

## **HARASSMENT PROTOCOLS**

1. Complainant files written complaint with Harassment Officer.
2. Within two working days H.O. determines if case has merit.
  - a) If yes, proceed to Step 3.
  - b) If no, Principal is informed. Appropriate action may be taken by the Principal if H.O. considers the complaint to be frivolous or malicious.
  - c) If no, Complainant may appeal to the Chair (or designate) of the Board of Governors, which will also be the appeal venue for decisions made under 2.b).
3. H.O. will make a ruling within five working days. H.O. decides whether harassment has occurred and whether Level One, Two or Three.
  - a) If Level One, H.O. proposes resolution. Principal takes appropriate action.
  - b) If Level Two or Three, H.O. recommends mediation. Complainant and alleged Harasser select mutually acceptable Mediator from a list of three provided by the College. If the parties are unable to agree on the choice of the Mediator within two working days the choice will be made by the Harassment Officer.  
At this point, at the discretion of the Principal, the alleged Harasser may be suspended with pay until the case is resolved.

4. Mediation will not take more than two working days from the day the Mediator is chosen. Mediation is not an appeal of the H.O.'s opinion – it is an attempt to achieve reconciliation between Complainant and alleged Harasser. The Mediator will:

- a) Gather Information. Through meetings determine whether mediation should proceed, gather information and clarify the issues, the process, rules and expectations.
- b) Set the Framework. Assess the participants' readiness to proceed. Have participants state what they want addressed, and identify common goals. The Mediator will identify and reframe issues neutrally.
- c) Build Understanding. Assist participants' to understand each others' perspectives and clear up misunderstandings or confusion. Identify and develop objective criteria for settlement.
- d) Agree how the conflict will be resolved. Generate options and evaluate these with participants. Choose the option and assist the participants in specifying details of implementation. Ensure mutual understanding of the terms of the agreement and write report of the process.

The Mediator will be remunerated by the College for his/her efforts. The Mediator may decide after step 4.a) or 4.b) that there is no point in continuing with mediation, in which case the process proceeds to Arbitration. Either Complainant or alleged Harasser may also elect to proceed to Arbitration at any point in the Mediation process.

5. At the end of the mediation stage two outcomes are possible:

- a) Complainant and alleged Harasser agree to resolution proposed by Mediator. Principal takes appropriate action.
- b) Complainant and alleged Harasser do not agree to resolution proposed by Mediator. Case proceeds to Arbitration. At this point the alleged Harasser has the option of accepting the H.O.'s ruling and waiving the right to Arbitration. The case then goes to the Principal for appropriate action.

6. Complainant and alleged Harasser select a mutually acceptable Arbitrator from a list of five Arbitrators proposed by the College. At least three of these proposed Arbitrators will be members of the Arbitrators' Association of B.C. If the Complainant and alleged Harasser cannot agree on the choice of an Arbitrator within two working days of the list being presented to them, the Harassment Officer will choose an Arbitrator from the list – this selection will be a member of the AABC. The College will cover the cost of the Arbitrator.

7. Upon appointment the Arbitrator will consider the case and determine within five working days whether harassment has occurred (and if so, the level of harassment). The Arbitrator will make a written report to the Principal.

8. The Principal will take appropriate action within one working day of receiving the Arbitrator's report.

9. The penalty or penalties imposed by the Principal may be appealed to the Board of Governors. There is no appeal of the decision of the Arbitrator as to whether Harassment occurred.

10. At any point in the proceedings before the Arbitrator is appointed, the alleged Harasser has the option of resigning his/her position at the College (this would require a written resignation sent the Principal) - proceedings will then cease immediately. In this case the alleged Harasser retains all rights of a retiring employee. Once the Arbitrator has been appointed the College will not accept the resignation of the alleged Harasser until the case is finally closed.