
reasonable member of the University community, in roughly the same position as the Complainant, would judge harassment to have occurred (given the Definitions, below).

2. Definitions

2.1 Complainant:

The party who brings forward an allegation of harassment or discrimination.

2.2 Respondent:

The party against whom an allegation of harassment or discrimination is made.

2.3 Complaint:

The complaint includes the initial or any subsequent complaint of harassment or discrimination and/or a complaint of retaliation.

2.4 Harassment and Discrimination Advisor:

The Harassment and Discrimination Advisor's role includes providing advice about harassment and discrimination issues; advising Complainants and Respondents about the University's Policy and Procedures for dealing with harassment and discrimination; initiating appropriate inquiries; attempting to diffuse and/or resolve complaints informally. Psychological counselling shall not be provided by the Harassment and Discrimination Advisor. The Harassment and Discrimination Advisor is an employee of the University and reports directly to the President or her/his designated person.

2.5 External Investigator:

A duly qualified investigator appointed by the university to investigate formal complaints. The investigator will be versed in due process and the standards related to harassment and discrimination.

2.6 President:

This is the President of UNBC.

2.7 Chair of the Board of Governors:

This is the Chair of UNBC's Board of Governors.

2.8 Harassment and Discrimination:

2.8.1 For the purposes of this Policy, discrimination means discrimination or harassment of a nature prohibited by the Human Rights Code of British Columbia as summarized in Section 1.1 of this Policy.

2.8.2 For the purposes of this Policy, harassment is an abuse of authority, or aggressive or threatening behaviour, where the abuse of authority or behaviour is directed at an individual because of one of the prohibited grounds summarized in Section 1.1 of this Policy.

2.8.3 Harassment may occur between people of the same and different status within the university community, and both women and men may be the subject of harassment by members of either sex, regardless of the sexual orientation of any of them.

2.8.4 Harassment may occur during one incident, or over a series of incidents which, in isolation, would not necessarily constitute harassment.

2.8.5 Discrimination may constitute a form of harassment and vice versa.

2.8.6 Behaviour covered by this Policy may occur:

- (a) at the University;
- (b) at University-related social functions;
- (c) in the course of work or study assignments outside the University;
- (d) at work-related conferences or training sessions;
- (e) during work or study related travel;
- (f) over the telephone;
- (g) over e-mail; or
- (h) elsewhere if the person harassed is there as a result of work-related responsibilities or a work related relationship or if the behaviour has an adverse effect at the work-place.

2.8.7 Examples of behaviour which constitute harassment include, but are not limited to:

- (a) creating an environment that is hostile, intimidating or offensive;
- (b) actions or written or verbal comments that could reasonably be interpreted as intending to humiliate, threaten, intimidate, blackmail, or coerce another person;
- (c) jeopardizing a person's job or undermining his or her work performance;
- (d) offering "perks" or threatening punishments to exert unwanted influence on another person;
- (e) directing derogatory or degrading remarks towards another person;
- (f) exerting unwanted physical force over another person;
- (g) assaulting or stalking another person;
- (h) displaying offensive material of a discriminatory nature;

where the behaviour is directed at an individual because of that individual's race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, political belief, or criminal or summary conviction offence unrelated to employment.

2.9 Sexual Harassment:

For the purpose of this policy, "sexual harassment" is a specific type of offence 519.67 Tmi15 2849-CAt:

HARASSMENT & DISCRIMINATION PROCEDURE

3. Choice of Procedure

- 3.1 Nothing in these procedures precludes any person from following any alternative complaint procedures under any Collective Agreement, Faculty Association Agreement, Exempt and Directors Employee Handbooks, university policy, or the B.C. Human Rights Code, or from initiating any other proceedings in law.
- 3.2 A Complainant who believes that she/he has a complaint of discrimination or harassment may want to consider discussing the complaint with the Respondent and to ask the Respondent to stop the offensive behaviour or to correct the action which resulted in discrimination or harassment, before taking any steps under this Policy.
- 3.3 If a Complainant chooses not to follow the process set out in Section 3.2 or if that process does not achieve a satisfactory result, the Complainant may consult with the Harassment and Discrimination Advisor.
- 3.4 The Harassment and Discrimination Advisor will discuss with the Complainant the complaint, this Policy and its procedures, and the courses of action open to the Complainant.
- 3.5 Informal complaints may be initiated by third parties, including the Harassment and Discrimination Advisor, but will not proceed through the informal or formal process without the consent of the person or persons alleged to have been harassed or sexually harassed.
- 3.6 The Harassment and Discrimination Advisor will maintain confidentiality with respect to the informal process except where, in the opinion of the Harassment and Discrimination Advisor, disclosure of some or all of the particulars of a complaint to the President (or Chair of the Board of Governors) is required in order to protect the wellbeing and safety of members of the University community.

4. Complaint Options

After consultation with the Harassment and Discrimination Advisor, the Complainant may choose any of the following options:

- 4.1 (a) take no further action under this policy; or
- (b) ask the Harassment and Discrimination Advisor to speak informally with the Respondent

If the Harassment and Discrimination Advisor decides not to proceed with the complaint,

the case shall be explained to the Complainant.

5. Formal Mediation

- 5.1 Either party may request mediation, but it will be arranged only with the consent of both parties. The mediator shall not have punitive power, but shall seek resolution of issues by mutual agreement of the Complainant and Respondent. The mediator shall be selected from a pool of suitably qualified candidates trained

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- (c) a summary of the incidents that constitute the complaint.

The written complaint must be signed and dated. A copy of the written complaint will be provided to the Respondent prior to the interview with the Respondent.

- 6.6 The external investigator will interview the Complainant and the Respondent. During the interview, the Complainant and the Respondent may be accompanied by a support person. A member of the Faculty Association may be accompanied during the interview by a representative from the Faculty Association. A member of the CUPE bargaining unit may be accompanied during the interview by a representative from CUPE. A member of the Exempt Employees or Directors may be accompanied by a representative from their respective employee group.
- 6.7 The external investigator will provide the Complainant and the Respondent with the opportunity to provide the investigator with any relevant documents and with the names of witnesses whom the Complainant and the Respondent believe have information that is relevant to the investigation. The external investigator will decide whether to interview any particular witness.
- 6.8 The external investigator will prepare a confidential report setting out findings of fact and a determination as to whether this policy has been breached. Excerpts of evidence drawn from relevant documents may be integrated into the report. The report will not include appended documents but such documents will be made available to the President (or Chair of the Board of Governors) upon request. If requested by the President (or Chair of the Board of Governors), such documents will be made available to the Complainant and Respondent. A copy of the report will be provided to the President (or the Chair of the Board of Governors), the Complainant and the Respondent. The Complainant and the Respondent will treat the report as strictly confidential. Where the Complainant or the Respondent is a member of CUPE, a member of the Faculty Association, or a member of the Exempt Employees or Directors, the Complainant or Respondent may provide a copy of the report to his or her representative who will keep the copy of the report in a confidential file with access restricted to that representative.
- 6.9 Within 20 days of receipt of the confidential report from the external investigator, the President (or the Chair of the Board of Governors) shall consider the report, and provide a written decision to the Complainant (s) and Respondent(s) with a copy to the Harassment and Discrimination Advisor.
- 6.10 The President (or Chair of the Board of Governors) will retain the original investigative report in a sealed file in a locked cabinet under the care and control of the President (or Chair of the Board of Governors). The Complainant and Respondent and their representatives must destroy their copies of the report one year after any and all appeals are completed.

7. Discipline and Remedies

- 7.1 The President (or the Chair of the Board of Governors) may impose an appropriate sanction for the harassment or discrimination, may provide a remedy for the Complainant, or may exonerate the Respondent. Considerations affecting administrative action should include:
- (a) the severity of the harassment or discrimination;
 - (b) whether the harassment or discrimination was intentional or unintentional;
 - (c) whether the offence is an isolated incident or involves repeated act TETBT1 0 03)

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- 7.2 The President (or the Chair of the Board of Governors) may order any remedy and/or sanction deemed just and appropriate. The range of sanctions may include but is not limited to: dismissal, expulsion, suspension or public or private reprimand. The range of remedies includes, but is not limited to:
- (a) back pay;
 - (b)

10. Confidentiality

At all times, Complainants, Respondents, and persons involved in resolving complaints under this Policy have the responsibility to maintain confidentiality. Nonetheless, concerns for an individual's health, safety, and security may compel the University to disclose information about complaints. As well, other measures, such as arbitrations, court proceedings or procedures under the Act may require the University to release information about complaints. All participants to Harassment and Discrimination proceedings should be aware that unwarranted breaches of confidence, especially those related to false and malicious complaints, may be subject to charges of slander and libel. Unwarranted breaches of confidentiality by an employee may also result in discipline.

11. Time Limits

A written complaint and request for either mediation or formal investigation should be submitted within six months of the date of the last alleged incident of harassment. If the Complainant submits evidence that there is reasonable cause for an extension beyond the six months limit, the matter must be referred directly to the President (or the Chair of the Board of Governors). The President (or the Chair of the Board of Governors) may exercise discretion in waiving the limitation period. However, the onus is on the Complainant to establish a reasonable and bona fide cause for the delay, and to show that waiver of the time limitation is in the best interests of justice. The Respondent shall be given an opportunity to challenge the case for such a waiver.

12. Education

The University, in co-operation with the Harassment and Discrimination Advisor, will continue to provide education and training for all members of the University community addressing harassment and discrimination.

13. Emergency Situation

Notwithstanding any part of this policy, the President (or the Chair of the Board of Governors) may make a preliminary determination that a group or individual constitutes an immediate threat to the physical safety of a member or members of the University community. The President (or Chair of the Board of Governors) may order campus security to bar that group or person from the campus.

14. Annual Report of Harassment and Discrimination Advisor

In April, the Harassment and Discrimination Advisor will submit an annual report to the President. The report will include, but not be limited to, information regarding:

- (a) the number of complaints received;
- (b) a break-down as to type of complaint;
- (c) a break-down as to resolution;
- (d) a break-down as to current status as active or inactive;
- (e) a review of the list of external investigators to ensure ongoing availability of persons named on the list; and
- (f) indication of whether the Harassment and Discrimination Policy is up for review in the coming year (as per Section 15).

The report must contain no information that could be used to identify either Complainant(s) or Respondent(s). If needed the report may contain recommendations for changes to the Harassment and Discrimination Policy.

15. Review of Policy