

HARASSMENT PREVENTION

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AUTHORITY	PRESIDENT'S COUNCIL
PRIMARY CONTACT	PRESIDENT AND VICE-CHANCELLOR

THIS POLICY IS CURRENTLY UNDER REVIEW.

POLICY

I. STATEMENT OF COMMITMENT

It is the policy of Thompson Rivers University (TRU) that all employees and students have a right to work and study in an environment that asserts and supports their fundamental rights, personal worth and human dignity. Under the B.C. Human Rights Act, every person has the right to freedom from harassment, and TRU acknowledges its responsibility in protecting this freedom. TRU will not tolerate harassment in any form, and considers it to be a serious offence subject to a range of disciplinary measures.

II. SEXUAL HARASSMENT DEFINED

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational progress; or
2. submission or rejection of such conduct is used as the basis for employment or academic decisions affecting that employee or student; or
3. such conduct has the effect or purpose of unreasonably interfering with an employee's work performance or a student's academic performance or creating an intimidating, hostile, or offensive working or educational environment.

III. HARASSMENT DEFINED

Harassment is defined as the abusive, unfair or demeaning treatment of a person or group of persons that has the effect or purpose of unreasonably interfering with a person's or group's status or performance or creating a hostile or intimidating working or educational environment, when:

1. such treatment abuses the power that one person holds over another or misuses authority;
or
2. such treatment has the effect or purpose of offending or demeaning a person or group of persons on the basis of race, colour, ancestry, place of origin, nationality, religion, family or marital status, physical or mental disability, age, sex, sexual orientation, or conviction for a criminal offence; or
3. such treatment has the effect or purpose of seriously threatening or intimidating a person.

IV. DUE PROCESS AND NATURAL JUSTICE

1. Allegations of harassment shall be dealt with in a fair, unbiased and timely manner. All parties shall be advised of the procedures available to them and persons against whom allegations of harassment have been made shall be advised of the allegations against them, and shall be accorded the opportunity to provide comments in support or defence of their own position.
2. Notwithstanding the foregoing paragraph, the President, upon receipt of compelling evidence, may make a preliminary determination that some specific action of an individual or group in the TRU community has constituted harassment, should cease forthwith, and should be formally investigated. Such a determination shall remain in effect until it is rescinded by the President or the matter is resolved in accordance with the provisions of this policy.
3. This policy and the related regulations recognize the principles of due process and natural justice, and therefore individuals affected by the policy are permitted the support of individuals including legal counsel.

V. CONFIDENTIALITY

1. Allegations of harassment, particularly sexual harassment, may involve sensitive disclosures. Confidentiality is required so that those who may have been harassed feel free to bring their complaint forward and so that personal and professional reputations may be protected throughout the procedure.
2. Confidentiality, however, must be distinguished from anonymity. It is one of the requirements of natural justice that an individual accused of an offence and subject to sanctions be informed of the allegations; this information may require disclosure of the

identity of the complainant. The complainant who chooses mediation or formal investigation must therefore be prepared to be identified.

VI. TRU JURISDICTION

1. Allegations of harassment by members of TRU in their capacity as members of the University community shall be considered within the jurisdiction of TRU to investigate, whether or not the alleged harassment occurred on campus, whether or not this occurred during working hours, and whether or not the complainant is a member of the University community.
2. It is the intention of this policy that harassment complaints be reviewed and adjudicated in accordance with TRU policy and regulations. However, nothing in this policy or its procedures bars the parties from claiming their rights under other procedures available under the Human Rights Act of British Columbia, other law or collective agreements.

VII. PROTECTION FROM REPRISAL

No person will discharge, suspend, expel, intimidate, coerce, or otherwise retaliate against a person because that person, in good faith, participates in these procedures. Any such reprisal will be considered harassment under these procedures.

REGULATIONS

I. RESPONSIBILITIES

1. Senior Harassment Advisor

- a. The Harassment Prevention Policy and Regulations will be administered by the Senior Harassment Advisor.
- b. The Senior Harassment Advisor will report to the President and may be assisted by one or more Harassment Advisors who may be appointed by the President.
- c. The responsibilities of the Senior Harassment Advisor are as follows:
 - i. To advance the goals of the Policy and together with the Harassment Advisors, handle initial complaints in harassment cases, and in accordance with the provisions of the Policy refer these cases to the President for a hearing or disposition;
 - ii. Co-ordinate the collection of data on the complaints of harassment and their disposition;

- iii. Submit an annual report to the President which will be publicized throughout the University community while maintaining confidentiality where required by the Policy;
- iv. Assist and counsel the Harassment Advisors and provide guidance to the Harassment Prevention Committee;
- v. Together with the Harassment Advisors and Harassment Prevention Committee, promote education on the issue of harassment.

2. **Harassment Advisors**

- a. The responsibilities of the Harassment Advisors will be as follows:
 - i. To forward the goals of the policy and handle initial complaints in individual harassment cases;
 - ii. File an annual report with the Senior Harassment Advisor;
 - iii. Together with the Senior Harassment Advisor and Harassment Prevention Committee, promote education on the issue of harassment.

3. **Harassment Prevention Committee**

- a. The members of the Harassment Prevention Committee shall be members of the University community appointed by the President for a two year term, from a pool of candidates submitted by bargaining units, the administrative group, and the student society. The President may also appoint members from other demographic groups constituting the University community.
- b. The Chair of the Harassment Prevention Committee shall be a member of the University community, appointed by the President for a two year term.
- c. Members of the Harassment Prevention Committee shall be responsible for supporting the Senior Harassment Advisor in advancing educational efforts on the issue of harassment; membership on a rotating basis on hearing panels; and review of the Harassment Policy and Regulations.

II. **ACTION IN THE EVENT OF A COMPLAINT**

1. **Consultation**

A person who believes that s/he has a complaint of harassment or sexual harassment may seek the confidential advice of an Advisor. The Advisor will assist all parties involved in allegations of harassment or sexual harassment in determining the basis, if any, for a complaint under this policy; in formulating the complaint and/or response; and by

explaining the options available through University policy and/or collective agreements or law.

2. The Advisor will facilitate and monitor the processing of each complaint. The Advisor will advise all the parties of support services and ensure that they are aware of their rights, including their right to have a friend or advocate with them through all stages of these procedures.
3. Following consultation with an Advisor the complainant has the following options:
 - i. to proceed to the informal process;
 - ii. to proceed to the formal process;
 - iii. to take no further action under these procedures;
 - iv. to pursue any other course of action available at law, under a collective agreement, or pursuant to other TRU policies and procedures.

III. INFORMAL PROCESS

1. Initiating a Complaint

- a. Any person who believes s/he has been harassed or sexually harassed may submit to the Advisors, either in oral or written form, a complaint alleging sexual harassment or harassment.
- b. Informal complaints may be initiated by third parties, including the Advisors, but will not normally proceed through the informal process without the consent of the person or persons alleged to have been harassed or sexually harassed.

2. Informal Resolution

- a. Upon the receipt of the complaint, the Advisor will attempt to resolve the complaint through any means s/he deems appropriate to the particular complaint, including fact finding, negotiation, counselling and mediation.
- b. The Advisor will normally have one month within which to resolve the complaint.
- c. If either the respondent or complainant does not wish to proceed through the informal process, or if the Advisor fails to satisfactorily resolve the complaint, the Advisor will direct the parties to the formal process.
- d. The complainant may withdraw the complaint at any time during the informal process.

IV. FORMAL PROCESS

1. Initiative a Formal Process

- a. A written complaint must be submitted to the Senior Harassment Advisor in order to initiate the formal process.
- b. The Senior Harassment Advisor will provide the written complaint to the President, who will then initiate an independent investigation of the matter.
- c. The Complainant may withdraw the complaint at any time during the formal process with the agreement of the Respondent.

2. Process

An external and neutral investigator shall handle the formal complaint. The investigator shall handle the formal complaint. The investigator shall have the power to fact-find, the power to mediate and to recommend discipline, as necessary, to the President. If the matter remains unresolved, it may proceed to binding arbitration.

V. ACTION IN THE ABSENCE OF A COMPLAINT

The President reserves the right to initiate an independent harassment investigation if sufficient cause has been demonstrated to warrant such action.

VI. GENERAL

1. Time Limits

- a. A written complaint and request for 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. The President may exercise discretion in waiving the limitation period where s/he is satisfied that waiver of the time limitation is in the best interests of justice. The respondent shall be given the opportunity to challenge the case for such a waiver.

2. Records

- a. Except as otherwise provided by these regulations, all records kept under these procedures will be maintained in confidence by the Senior Harassment Advisor.

3. **Amendment and Implementation**

- a. The Harassment Prevention Committee will:
- i) review from time to time the effectiveness of the Harassment Policy and Regulations;
 - ii) provide TRU with information on the issues of harassment and sexual harassment;
 - iii) be available to the President for consultation regarding the selection of Advisors and the implementation of the Harassment Policy and Regulations.

4. **Union and/or Legal Representation**

During the formal investigation process, both the complainant and respondent may be accompanied by either union representation or legal representation at any stage of the process.

5. **Interpretation**

Reference to staff throughout this document relates to both support staff and administrative staff.