



Title	Prevention of Harassment, Discrimination, and Bullying
Policy No.	A.3.1
Approval Body	Board of Governors
Policy Sponsor	President
Last Revised/Replaces	October 26, 2000
Effective Date	April 4, 2013

CONTEXT AND PURPOSE

Vancouver Community College (VCC; the College) is committed to providing a respectful, working and learning environment that supports tolerance and diversity, and which is free of Harassment, Discrimination, and Bullying.

All students and employees are entitled to be treated with dignity and respect.

SCOPE AND LIMITS

This policy applies to:

1. All College members which include: VCC employees (part-time, full-time, term, and temporary), Board members, contractors, volunteers, students and anyone in a business relationship with the College.
2. The application of this policy and related procedures do not remove any statutory rights or obligations or any rights and obligations arising out of any policy or collective agreement, and may be modified in specific situations as reasonably necessary.

STATEMENT OF POLICY PRINCIPLES

1. VCC believes in equitable treatment for individuals regardless of age, ancestry, colour, criminal conviction that is unrelated to employment or intended employment, ethnic origin, family status, gender, gender identity, gender expression, mental disability, physical disability, political beliefs, race, religion, and sexual orientation.
2. It is the responsibility of all College members to refrain from engaging in Harassment, Discrimination, and Bullying and to contribute to a positive environment.
3. It is the College’s policy that Discrimination, Harassment, and Bullying will not be tolerated. College members who violate this Policy may be subject to a range of corrective measures, up to and including expulsion or dismissal from the College.
4. This Policy will not be interpreted, administered, or applied to infringe on the academic freedom of students or employees. The frank discussion of controversial ideas, the pursuit and publication of controversial research, and the study and teaching of material with controversial content do not constitute Harassment, Discrimination, and Bullying, provided that such activities are conducted in a respectful and non-coercive manner.

5. Education and awareness are keys to understanding and eliminating Harassment, Discrimination, and Bullying. The College will offer educational and training programs designed to support the administration of this Policy and to ensure that all students and employees are aware of their responsibilities under the *Human Rights Code* and this Policy.
6. College members will be treated equitably under this Policy. All matters arising under this Policy will be dealt with in a fair, unbiased and timely manner.
7. The burden of proof is on the Complainant to prove the allegations on a balance of probabilities.
8. The filing of a complaint under this Policy is the right of every College member and may be exercised without fear of reprisal. However, complaints of Harassment, Discrimination, and Bullying are serious matters. Persons who are found to have made frivolous, vexatious, or malicious complaints of Discrimination or Harassment may be subject to disciplinary action, up to and including expulsion or dismissal from the College.
9. Retaliation against any person who is involved in a complaint of Harassment, Discrimination, and Bullying under this Policy will not be tolerated by the College and may result in disciplinary action, up to and including expulsion or dismissal from the College.
10. Handling complaints of Discrimination, Harassment, and Bullying requires the collection, use, and disclosure of sensitive personal information. Confidentiality is required so that those who may have experienced Discrimination or Harassment will feel free to come forward, and so that the reputations and interests of those accused are protected.
11. All members of the College community are required to maintain the confidentiality of any information they may receive during the course of the complaint process and/or investigation. Any student or employee who breaches confidentiality may be subject to disciplinary action, up to and including expulsion or dismissal from the College. Other members of the College community may be subject to sanctions, as appropriate.
12. Subject to disclosure which is required by law or is necessary in order to investigate or resolve a complaint, the College, in addressing alleged Discrimination, Harassment, and Bullying will make every effort to keep confidential any information pertaining to the complaint. Confidentiality, however, must be distinguished from anonymity. For a complaint to proceed the identity of the Complainant and the details of the complaint must be released to the Respondent and those involved in the investigation and disposition of the complaint. The Complainant must therefore be prepared to be identified.
13. All recorded personal information will be treated as "supplied in confidence" for the purposes of compliance with the *BC Freedom of Information and Protection of Privacy Act* and responding to access requests under that legislation.
14. This Policy is not to be interpreted, administered, or applied in such a way as to detract from the right and obligation of those in supervisory roles to manage and discipline employees and students in accordance with the College's collective agreements, policies and procedures. The exercise in good faith of the College's management rights for operational requirements, performance management or progressive discipline does not constitute Harassment.

15. If a complaint made under another College policy contains allegations of Discrimination, Harassment or Bullying, this Policy will apply to the handling and disposition of that complaint.
16. If a Complainant pursues a course of action outside this Policy in connection with a complaint of Harassment, Discrimination, or Bullying the Senior Administrator may, in their sole discretion, decide to place the process under this Policy in abeyance pending the conclusion of the other proceeding.
17. Contractors, their employees and agents, visitors to the College, and other third parties (collectively, "Third Parties") are expected to conduct themselves in any College-related activity in a manner consistent with this Policy. Complaints raised by members of the College community against Third Parties, or by Third Parties against members of the College community, that allege Discrimination, Harassment, or Bullying in connection with a College-related activity will be dealt with by the College under this Policy.

DEFINITIONS

Academic Freedom: has the meaning set out in the College's policy statement on Principles of Academic Freedom.

Advisors: the Human Resources Department, College Ombudsperson, and representatives of the VCC Faculty Association or CUPE who receive concerns and allegations of Harassment, Discrimination or Bullying.

Bad Faith Complaint: is one in which a Complainant makes allegations of Harassment, Discrimination or Bullying knowing them to be false or submits a complaint for a purely malicious or vindictive purpose.

Bisexual: generally used to describe people who are romantically and/or sexually attracted to people of more than one sex or gender.

Bullying: is deliberate conduct or comment which a reasonable person would consider to be objectionable, directed towards a specific person, which serves no legitimate work or learning purpose and has the effect of creating an intimidating, humiliating, hostile or offensive work or learning environment, and is not based upon one of the grounds set out in the *Human Rights Code*. Bullying will normally be repeated, continuous or persistent behaviour, although a single incident, if sufficiently egregious, will constitute Bullying. Examples are provided in Appendix A.

College-Related Activity: means any activity at any location that is engaged in by the College or by persons acting under the College's control. All activities on the College's campuses are College-related unless they conducted under the control of a person, organization, association or group that is separate from the College.

Complainant: means a person who claims to have been harassed, discriminated against, or bullied in connection with a College-related activity.

Complaint: means a complaint alleging Harassment, Discrimination, or Bullying in connection with a College-related activity.

Discrimination: means any treatment or action (verbal or behavioural), covert or overt, intentional or unintentional, that has the purpose or effect of singling out an individual or group for differential treatment on a prohibited ground, and that has no bona fide and reasonable justification. Examples are provided in Appendix A.

Gay: a man who is romantically and sexually attracted to other men. It is sometimes used to refer to the general gay, lesbian, bi-sexual, transgender, queer (GLBTQ) community, but most often refers to just gay men.

Gender Identity: a person's gender identity is the way in which they define and act on their gender. Gender expression is how they express their gender. An individual may be cisgender.

Cisgender: a person's own sense of gender is congruent with their genitalia and other gender markers such as hormones. They may be transsexual or transgender.

Gender Identity Discrimination: Discrimination because of gender identity is any action based on a person's sex or gender, intentional or not, that imposes burdens on a person or group and not on others, or that withholds or limits access to benefits available to other members of society. This can be obvious or subtle. Discrimination can also happen on a bigger, systemic level, such as when a rule or policy may appear to be neutral, but is not designed in an inclusive way.

Harassment: conduct or comments which ought reasonably to be known to be objectionable or unwelcome and serves no legitimate work and/or education related purpose and which

- a. detrimentally affects people in the work and/or education environment; or
- b. has adverse job-related and/or education-related consequences

and is based upon one of the grounds outlined in the *BC Human Rights Code*. Examples are provided in Appendix A.

Heterosexual: created around the same time as 'homosexual' to describe individuals who are sexually attracted to the opposite sex/gender.

Homosexual: a scientific term invented in the 1800's to refer to individuals who are sexually attracted to their own sex/gender.

Lesbian: a woman who is romantically and sexually attracted to other women.

Prohibited Ground: means the grounds of prohibited Discrimination identified in the *BC Human Rights Code*; age, ancestry, colour, criminal conviction that is unrelated to employment or intended employment, ethnic origin, family status, gender, mental disability, physical disability, political beliefs, race, religion, and sexual orientation.

Queer: the term queer has a history of being used as a derogatory name for members of the GLBTQ community and those whose sexual orientation is perceived as such, although some people use this word in a positive way to refer to the community. Sensitivity should be used with this term, as there are still many negative connotations with its use.

Record of Resolution: means in the case of an informal resolution, the resolution report signed by both the Complainant and the Respondent; or in the case of a finding by the responsible Senior Administrator regarding a complaint, the written report of their determination in the matter including a summary of the findings of fact and the discipline imposed, if any.

Reprisals or Retaliation: is Discrimination, Harassment or Bullying of an individual for invoking this Policy and for participating or cooperating in an investigation under this Policy or for associating with someone who has invoked this Policy or participated in the Policy's procedures.

Respondent: means a person against whom an allegation of Harassment, Discrimination, or Bullying is made in connection with a College-related activity.

Senior Administrator: means the Vice President, People & Culture, or delegate. In the case of a complaint involving the Vice President, People & Culture, the "Senior Administrator" shall be the President or delegate. In the case of a complaint involving the President, the "Senior Administrator" shall be the Chair of the College's Board of Governors or delegate.

Sex & Gender: sex refers to the biological sex of a person. Gender refers to their societal appearance, mannerisms, and roles.

Sexual Harassment: means conduct of a sexual nature by a person who knows or ought reasonably to know that such behaviour is unwanted or unwelcome, and which:

- leads to or implies employment or academic consequences for the person harassed; or
- interferes with a person's participation in a College-related activity; or
- creates an intimidating, hostile or offensive working or educational environment.

Examples of behaviors within this category are provided in Appendix A

Sexual Orientation: is a personal characteristic that covers the range of human sexuality from gay and lesbian, to bisexual, transgender and heterosexual orientations.

Sexual Orientation Harassment or Discrimination: involves unfair, differential treatment of individuals and groups based not on individual merit but on assumptions and stereotypes about their (real or perceived) sexual orientation.

Examples of behaviors, conduct and practices within this category are provided in Appendix A

Straight: a slang word used to refer to the heterosexual members of our community.

Students and Employees: means all employees of the College, including administration, faculty and staff and all students enrolled in any College course or program.

Systemic Harassment or Discrimination: includes policies, practices, procedures, actions or inactions that appear neutral, but have an adverse impact associated with one of the prohibited grounds. These actions may include, but are not limited to, stereotypical portrayal of groups/individuals in materials, attendance policies that do not accommodate religious responsibilities, height and/or weight restrictions in course selection criteria and/or job postings that are not bona fide qualifications.

Transgender: an umbrella term used to refer to people who transcend the traditional concept of gender. Many feel as though they are neither a man nor a woman specifically, and many feel as though their biological sex (male, female, etc.) and their socialized gender (man, woman, etc.) do not match up. Some opt to change/reassign their sex through hormones and/or surgery and some change their outward appearance, or gender expression, through clothing, hairstyles, mannerisms, etc.

Transsexual: a subgroup of transgender people whose gender identity, sense of their own gender, contradicts gender markers, such as genitalia. Some, but not all, transsexuals take hormones, and/or have sex reassignment surgery to bring their body into line with their gender identity.

Two-Spirit: used by some First Nations to describe people in their culture who are gay, lesbian, bisexual or transgender.

RELATED LEGISLATION & POLICIES

Legislation

B.C. College and Institute Act

The British Columbia Human Rights Code

CUPE 4627 Collective Agreement – Article 8

VCCFA Collective Agreement – Common Agreement Article 2 and Local Agreement Article 24

Policies

A.3.3 Freedom of Information and Protection of Privacy (FOIPPA)

A.3.6 Standards of Employee Conduct & Conflict of Interest

A.3.8 Violence Prevention

A.3.10 Sexual Violence & Misconduct

D.4.1 Students with Disabilities

D.4.3 Student Code of Conduct (Non-Educational Matters)

RELATED PROCEDURES

Refer to A.3.1 Prevention of Harassment, Discrimination and Bullying Procedures