

Discrimination, Bullying and Harassment Policy (CCNM – Boucher Campus)

Background: CCNM – Boucher Campus is committed to providing a safe working and learning environment that allows for full and free participation of all members of the CCNM – Boucher Campus Community.

Discrimination, Bullying and Harassment are strictly prohibited under this Policy.

A breach of this Policy by a member of the CCNM – Boucher Campus Community represents serious misconduct, and may be cause for disciplinary sanctions including, where appropriate, suspension, dismissal or expulsion.

CCNM – Boucher Campus recognizes its responsibility to increase awareness of Discrimination, Bullying and Harassment, to prevent its occurrence within the CCNM – Boucher Campus Community, to provide procedures to handle Complaints, and to remedy situations where Discrimination or Bullying and Harassment has been found to have occurred.

CCNM – Boucher Campus will respond to Complaints in a manner that supports all persons involved

CCNM – Boucher Campus does not have jurisdiction to take disciplinary action against a person who is not a member of the CCNM – Boucher Campus Community or who is not currently affiliated with Boucher. However, under certain circumstances CCNM – Boucher Campus may be able to take other action, such as revoking a person's access to campus property or a campus event.

This policy is separate from any criminal or civil proceedings. CCNM – Boucher Campus is not responsible for determining violations of criminal or civil law.

Other CCNM – Boucher Campus policies that pertain to Discrimination, Bullying and Harassment include, but are not limited to, the Sexual Violence and Misconduct Policy, the Standards of Student Conduct Policy, and the Safety Policy.

Definitions

CCNM – Boucher Campus Community: All campus employees, faculty members, Students, contractors and volunteers, and any other person who is contractually obligated to comply with this Policy.

Bullying and Harassment: Any inappropriate conduct or comment by a member of the CCNM – Boucher Campus Community towards an Employee or Student that the person knew or ought reasonably to have known would cause that person to be humiliated or intimidated, or;

Any other form of unwelcome verbal or physical behaviour which, by a reasonable standard, would be expected to cause insecurity, discomfort, offence or humiliation to one or more Employees or Students, and has the purpose or effect of interfering with an Employee's work performance or a Student's learning, or creating

- x comply with professional, managerial, or supervisory responsibilities to evaluate and report on the performance, conduct or competence of Employees or Students;
- x express reasonable opinions freely and courteously; or
- x respectfully engage in honest differences of opinion.

Complainant: A person who files a Complaint. In some instances, CCNM – Boucher Campus may act as a Complainant where it becomes aware of allegations of Discrimination, Bullying and Harassment that, if true, would violate this Policy but no person comes forward with a Complaint, or where an investigation is required by law.

Complaint: A formal written complaint containing allegations of Discrimination, Bullying and Harassment or other violation(s) of this Policy.

Discrimination: Discrimination within the meaning of the BC Human Rights Code, based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, or criminal conviction which is unrelated to the person's employment. Discrimination permitted by the BC Human Rights Code is not a breach of the Policy (i.e., where a bona fide occupational requirement or bona fide and reasonable justification is established, or where the alleged discrimination relates to a bona fide pension plan or group insurance plan). Discrimination includes Sexual Harassment, as defined below.

Employee: An employee of CCNM – Boucher Campus, including administrators, faculty, and staff.

Investigator: A person appointed by CCNM – Boucher Campus to investigate a Complaint.

Respondent(s): A person or persons alleged to have engaged in conduct that violates this Policy.

Responsible Administrator: An executive or Board member of CCNM, or an administrator responsible for the operations of an Institute department, faculty, or service area.

Retaliatory Action: Any adverse action taken against a person because that person seeks advice on making a Complaint, makes a Complaint, or cooperates in an investigation of a Complaint.

Sexual Harassment: Conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the working or learning environment or leads to adverse employment or education-related consequences.

Examples of Sexual Harassment include, but are not limited to, the following:

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Procedure: A member of the CCNM – Boucher Campus Community who has experienced Discrimination, Bullying and /or Harassment, or who is otherwise affected by a violation of the Policy, may file a Complaint as described below.

To initiate an investigation, a Complaint must be filed, in writing, with:
x the Registrar (Meghan Henesey,

If the Registrar, HRM or designate believes that the Complaint discloses other kinds of misconduct or information that CCNM – Boucher Campus may need to act on under another CCNM – Boucher Campus policy or process, the Registrar, HRM or designate may refer the Complaint or the relevant portions of the Complaint to the appropriate CCNM – Boucher Campus authton that CCNM

Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.

In all investigations, the Respondent will be informed of the allegations made against them, and will be given a full opportunity to respond.

The Investigator will conduct the investigation in a procedurally fair manner, using a process determined by the Investigator.

At the completion of the investigation, the Investigator will submit a written Report to the EDHR. The Report will normally include the following information:

1. summary of the evidence considered;
2. any assessment of credibility that is required to render a determination; and
3. the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, the Policy has been violated.

Investigation Outcomes

Where a member of the CCNM – Boucher Campus Community is found to have engaged in Retaliatory Action, or to have breached the confidentiality requirements in the Policy, CCNM – Boucher Campus may take appropriate disciplinary action.

Where an investigation determines that a Complaint was frivolous, vexatious or vindictive in nature, CCNM – Boucher Campus may take appropriate disciplinary action.

Appeal

A Complainant or Respondent may appeal the decision of the EDHR to the President.

The appeal must be submitted in writing within ten (10) business days of the decision being received by the Complainant/Respondent and must provide specific grounds for the appeal, describing how the Policy was incorrectly applied and/or due process was not followed.

The appeal will deal with appropriateness of process or disciplinary decisions and will not reconsider the original Complaint. However, the President has the discretion to consider new evidence that could not reasonably have been available at the time of the investigation.

The appeal may be upheld or dismissed, in whole or in part, and/or referred back to the EDHR for reconsideration.

The President will give reasons for its decision in writing.