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8.6 HARASSMENT, BULLYING + DISCRIMINATION

ENABLING LEGISLATION + LINKED POLICIES

Human Rights Code of BC

Workers' Compensation Act

Other Laws of General Application

All Relevant Emily Carr University of Art + Design Policies

Collective Agreements (All)

OBJECTIVE

The objective of this policy is to support Emily Carr University of Art + Design's (University) commitment to providing a non-discriminatory, fair, respectful, equitable and inclusive learning and working environment that values principles of diversity and does not tolerate discrimination, harassment and bullying.

SCOPE

This policy applies to all members of the University community while they are engaged in any University-related activity.

PRINCIPLES

1. All members of the University community are expected to treat each other with dignity and respect, and must refrain from engaging in discrimination, harassment and bullying.
2. It is the University's policy that discrimination, harassment and bullying will not be tolerated. Members of the University community who violate this Policy may be subject to a range of corrective measures, up to and including expulsion or dismissal from the University.
3. This Policy will not be interpreted, administered or applied to infringe the academic freedom of any member of the University community. Within this context critical debates, intellectual inquiry and free artistic expression in the study and production of art, media and design may take place by students, staff, faculty and other members of the University community, provided that such activities are conducted in a mutually respectful, non-discriminatory and non-coercive manner.
4. This Policy is not intended to interfere with mutual social or personal relationships among members of the University community.

5. In the University community, power differences exist between or among faculty, staff and students. Where one person has implied or explicit power or authority over another, there must be an awareness of the increased potential for issues to arise.
6. All members of the University community 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 filing of a complaint under this Policy is the right of every member of the University community and may be exercised without fear of reprisal. However, complaints of discrimination, harassment or bullying are serious matters. Persons who are found to have made frivolous, vexatious, or malicious complaints of discrimination or harassment will be subject to disciplinary action.
8. Retaliation against any person who is involved in a complaint of harassment, bullying or discrimination under this Policy will not be tolerated by the University and may result in disciplinary action.
9. This Policy is not to be interpreted, administered or applied in such a way as to detract from the rights and responsibilities of faculty to facilitate student learning through studio or classroom activities, critiques and evaluation. Nor does it detract from the right and obligation of those in supervisory roles to manage and discipline employees and students in accordance with the University's collective agreements, policies and procedures. In all circumstances all employees are expected to exercise their rights and responsibilities in a respectful manner.
10. The application of this Policy and the University's Harassment, Bullying and Discrimination Procedures are not to be construed as removing any statutory rights or obligations, or any existing rights or obligations arising out of any policy or collective agreement and may be modified in specific situations as reasonably necessary.
11. This Policy will be applied in conformity with the principles of procedural fairness and natural justice, including the following:
 - Any complainant who wishes the University to conduct a formal investigation must be prepared to be identified to the respondent. The principles of confidentiality, as outlined below, will be followed.
 - Individuals must be informed of formal complaints made against them. Complainants and respondents must be given the opportunity to present evidence in support of their positions.
 - Those responsible for interpreting, administering and applying this policy will use a reasonable person standard and will apply the policy in an unbiased, non-arbitrary manner.
 - Complaints made in good faith will be addressed in a timely manner without reprisal.

CONFIDENTIALITY

Complaints of harassment, bullying and/or discrimination involve the investigation, disclosure and collection of sensitive personal information about the complainant and the respondent and the incident. While discretion will be exercised to the maximum degree possible to protect the reputations and interests of the complainant and the respondent, strict confidentiality of a complaint is not feasible.

The complainant must understand that the respondent(s) will be made aware of the details of the complaint and will be given an opportunity to respond. In addition, the Policy Advisor and/or his designate in an informal resolution stage or an Investigator in a formal investigation may interview other persons who may have pertinent information about, and/or who may have witnessed the relevant incidents.

All parties involved in an investigation into complaints of harassment, bullying and/or discrimination are expected to keep all information pertaining to the complaint confidential other than to seek representation, counselling or to share it in the course of the investigation and with personnel investigating the complaint.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

All information pertaining to complaints filed under this Policy is deemed to be protected under the *Freedom of Information and Protection of Privacy Act* (s.22(2)(f)). The University will treat all information disclosed by parties to complaints as privileged information and all such information will be secured.

EDUCATION TO PREVENT HARASSMENT, BULLYING + DISCRIMINATION

The University will offer educational and training programs designed to support the administration of this Policy and to raise awareness about human rights issues, promote respect for all members of the University community and create a positive climate for work and study.

DEFINITIONS

In this Policy and the related Harassment, Bullying and Discrimination Procedures:

Academic Freedom: has the meaning set out in the University's policy on Academic Freedom.

Bystander means a person who has witnessed what he/she believes has been harassment, bullying or discriminatory behaviour directed to another individual.

Complainant: means a person who believes he/she has been harassed, bullied or discriminated against, and who seeks recourse under this Policy.

Complaint: means a complaint made under this Policy.

Discrimination: means any act or omission 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.

Employee: means an individual who is in receipt of wages from the University for work performed for the University.

Harassment: is a form of discrimination that adversely affects the recipients on one or more of the prohibited grounds under the BC Human Rights Code.

Bullying: means any inappropriate conduct or comment by a person towards another that the person knew or reasonably ought to have known would cause that person to be humiliated or intimidated.

Both harassment and bullying conduct have the effect of creating an intimidating, hostile or offensive working or educational environment.

Prohibited Ground: means the grounds of prohibited discrimination identified in the Human Rights Code. This includes race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, and criminal conviction that is unrelated to employment or intended employment.

Policy Advisor:	means the University Administrator designated to receive and respond to formal complaints of discrimination, harassment and bullying. Typically the Policy Advisors will be the Vice President Enrolment + Student Services, or designate, for student initiated complaints and the Director, Human Resources, or designate, for employee initiated complaints.
Respondent:	means a person against whom an allegation of harassment or discrimination is made under this Policy.
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:
	<ul style="list-style-type: none">• leads to or implies employment or academic consequences for the person harassed; or• interferes with another person's participation in an institution related activity,• creates an intimidating, hostile or offensive working or educational environment.
University:	means Emily Carr University of Art + Design.
University Community:	means all:
	<ul style="list-style-type: none">• employees of the University, including administration, faculty and staff;• students enrolled in any University course or program;• members of the University's Board of Governors; and• persons providing services to the University under a contract for services or as a volunteer.
University-Related Activity:	means any activity at any location that is engaged in by the University or by persons acting under the University's control. All activities on the University's campuses are University-related unless they are conducted under the control of a person, organization, association or group that is separate from the University.