

HARASSMENT AND DISCRIMINATION POLICY



1. THE PURPOSE OF THIS POLICY

Regent College is a community of people who have come together for study, work and worship. It is a Christian community, in which we seek to honour and uphold the dignity of all people as created in God's image. This policy is meant to address those occasions when a member of this community fails to meet that standard by harassing or discriminating against another member of this community. The College considers harassment and discrimination serious offenses, subject to a range of disciplinary measures.

2. DEFINITIONS OF HARASSMENT AND DISCRIMINATION

Discrimination: An intentional or unintentional differential treatment for which there is no bone fide or reasonable justification. Such discrimination imposes burdens, obligations or disadvantages on specific individuals or groups. To be considered discrimination under the terms of this policy, the behaviour complained of must:

- (a) be abusive or demeaning;
- (b) include a reference to one or more of the following grounds of discrimination: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, age, physical or mental disability, sex, sexual orientation, and unrelated criminal convictions;
- (c) be viewed by a reasonable person as interfering with a College-related activity; and
- (d) have no bone fide or reasonable justification.

Harassment: Involves an incident or series of incidents of comments, displays or behaviours that demean, embarrass, or degrade. Both personal harassment and sexual harassment are covered by this policy.

Personal Harassment: Behaviour directed toward a specific person or persons which serves no legitimate purpose and would be considered, by a reasonable person, to create an intimidating, humiliating or hostile work or learning environment. Personal harassment may involve, but is not limited to, physical violence, demeaning verbal interactions or emotional abuse.

Sexual Harassment: Behaviour of a sexual nature

- (a) by a person who knows or ought reasonably to know such behaviour is unwelcome; and
- (b) which
 - (i) interferes with another person's participation in a College-related activity;
 - (ii) leads to or implies employment or academic consequences for the person(s) harassed; or
 - (iii) causes or could reasonably be expected to cause intimidation, discomfort, offense or humiliation to the person(s) harassed.

3. DEFINITIONS OF OTHER TERMS USED IN THIS POLICY

Cabinet: The senior management team of the College, currently consisting of the President; Vice-President, Administration; Vice-President, External Relations; Academic Dean; and Dean of Students.

Complainant: The person(s) who considers himself or herself to have been the subject of harassment or discrimination, and who brings an informal or formal complaint under this policy.

Contractors: Non-employees of the College who provide goods or services pursuant to a contract with the College. Representatives, agents and employees of contractors are considered contractors themselves under this policy.

Faculty: Includes all full and part-time faculty of any rank; sessional lecturers; visiting scholars and other visitors appointed by the Board of Governors; visiting faculty during Spring School and Summer School; and speakers at conferences sponsored by Regent College.

Harassment and Discrimination Officer: An employee of Regent College trained to administer this policy. The current Harassment and Discrimination Officer is Teck Ngee-Ch'ng.

Staff: Includes all full and part-time non-faculty employees of Regent College, including teaching assistants.

Students: Includes all full and part-time Regent College students, including audit and credit students and program and non-program students.

4. WHEN DOES THIS POLICY APPLY?

The Regent College Harassment Policy applies when all of the following conditions are met:

1. the parties involved are faculty, staff, students or contractors of Regent College;
2. the last incident complained of occurred no more than six months ago;
3. the incident(s) complained of occurred in the context of a College-related activity; and
4. the alleged behaviour, if proven, would meet the definitions of harassment and/or discrimination in this policy.

5. EXAMPLES OF HARASSMENT AND DISCRIMINATION

The following examples would constitute harassment or discrimination under this policy. Note that these are provided as examples only, and that determining whether harassment or discrimination has occurred is a fact-specific exercise.

(a) Sexual Harassment

- (i) A student uses the question and answer period at the end of class to make sexist comments;
- (ii) A professor comments on a student's recent weight loss by telling her how sexy she now looks; and
- (iii) A staff member pressures another staff member for dates, despite persistent refusals.

(b) Personal Harassment

- (i) A student persistently makes demeaning comments to a staff member about the slowness of her work;
- (ii) A professor posts cartoons on his office door which demean persons of colour; and
- (iii) A supervisor yells at a staff member for missing deadlines.

(c) Discrimination

- (i) A professor refuses to allow a visually impaired student the extra time she requires to complete an exam;
- (ii) A student group organizes a ski trip and limits enrollment to students under 35 years of age; and
- (iii) A College-sponsored forum for all MDiv students focuses solely on the needs of male pastors while excluding the experience of women in ministry.

6. WHAT THIS POLICY IS NOT INTENDED TO DO

1. This policy is not intended to inhibit normal social and personal relationships among members of the Regent College community;
2. This policy is not intended to inhibit academic freedom, including the free discussion, research, publication and sharing of opinions on topics of interest in an academic environment. In an evangelical Christian setting, that may include such contentious topics as sexual identity and practice, politics, and gender roles.
3. Use of such instructional techniques as irony, conjecture and refutation, or the assignment of controversial readings are legitimate, and will not be considered a breach of this policy if conducted in a mutually respectful and non-coercive way;
4. This policy is not intended to inhibit the fair and reasonable assessment of a student's work by a faculty member or discipline of a student for an academic offense;
5. This policy is not intended to inhibit the fair and reasonable management, evaluation and discipline of staff by supervisors;
6. Nothing in this policy is intended to diminish Regent College's rights under section 41 of the Human Rights Code, RSBC 1996, c. 210, which reads in part:

If a charitable, . . . educational . . . [or] religious organization . . . has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by . . . a common . . . religion . . . , that organization . . . must not be considered to be contravening this Code because it is granting a preference to members of the identifiable group or class of persons.
7. This policy is not intended to replace other avenues of redress outside of Regent College which might be available to a victim of harassment or discrimination, including the British Columbia Human Rights Tribunal;

8. A program or policy designed to ameliorate the conditions of a disadvantaged individual or group is not considered to offend this policy. For example, it might be appropriate and not a contravention of this policy for the College to offer student bursaries to prospective students from the developing world.

9. This policy is not intended to inhibit Regent College's freedom to maintain its Christian character and identity.

10. This policy is not intended to limit Regent College's ability to offer employment for designated positions only to those who accept the College's doctrinal statement.

11. Flirtation and banter among students or others who are friends and peers is not sexual harassment; nor is consensual sexual interaction. Sexual harassment is both unwelcome and detrimental to the victim's work, studies or emotional health.

12. This policy is not intended to apply to incidents occurring off-campus which have no or little likelihood of any impact on the work or study environment at the College. That is not to say that incidents of harassment or discrimination must occur on-campus for this policy to apply; the policy may apply to off-campus incidents at College-related events, as well as to communications by telephone or electronic means.

13. This policy is not intended to diminish the College's efforts to assist families to study at Regent College together by offering tuition benefits to married couples where both are concurrently students.

7. WHAT TO DO IF YOU ARE THE SUBJECT OF HARASSMENT OR DISCRIMINATION

This policy provides for both informal and formal resolution of complaints of harassment and discrimination. While the formal process is always available to victims of harassment and/or discrimination, we encourage members of this community to attempt to resolve such issues informally if it is appropriate to do so, as many situations can be successfully resolved in that way:

(a) Informal Process

Wherever possible, the person who believes they have been the subject of harassment or discrimination (the Complainant) is encouraged to speak with the person(s) they believe harassed or discriminated against them, to determine whether a mutually acceptable resolution may be found. In some cases this will not be practical or appropriate, particularly if the victim feels intimidated or otherwise threatened.

A Complainant may bring an informal complaint to the Harassment and Discrimination Officer, who will provide a complaint form to the Complainant. Once the completed form is received from the Complainant, the Harassment and Discrimination Officer will provide a copy to the person alleged to have engaged in harassing or discriminatory conduct (the Respondent). The Respondent will then have two weeks to provide the Harassment and Discrimination Officer with a written response to the complaint. The Harassment and Discrimination Officer will meet with

the Complainant and review the Respondent's response with the Complainant.

At this stage, the Complainant may accept the Respondent's explanation and withdraw the informal complaint. The Complainant may also request that the Harassment and Discrimination Officer attempt to bring about a remedy sought by the Complainant, such as a meeting with the Respondent and Harassment and Discrimination Officer, or an apology from the Respondent. The Harassment and Discrimination Officer will attempt to resolve the complaint informally through any means he or she considers appropriate in the circumstances, including mediation or negotiation. Informal resolutions of complaints may be reached in a variety of ways, including a letter to the Respondent from the Complainant; a meeting between the Respondent and Complainant, with or without the Harassment and Discrimination Officer; an apology from the Respondent to the Complainant, or voluntary attendance at counseling by the Respondent.

No record of an informal resolution will be entered into a staff, faculty or student file. The Harassment and Discrimination Officer shall make a confidential annual report to the College's Cabinet summarizing the nature and disposition of complaints received, and may, at his discretion, similarly provide a summary to the supervisor of any Respondents who are staff or faculty members of the College, or to the Dean of Students in the case of Respondents who are students.

Should the response from the Respondent fail to satisfy the Complainant, the Complainant may initiate the formal process described below. A Complainant may also forgo the informal process and proceed directly to the formal process.

(b) Formal Process

The Complainant may initiate a formal complaint at any time by completing the appropriate form and providing it to the Harassment and Discrimination Officer. Upon receipt of a request for an investigation, the Harassment and Discrimination Officer will determine whether the alleged conduct, if proven, would constitute harassment or discrimination under this policy. If, in the opinion of the Harassment and Discrimination Officer, the alleged conduct would not constitute a violation of this policy, the Harassment and Discrimination Officer may decide not to proceed further and will notify the Complainant of that decision in writing.

If the Harassment and Discrimination Officer finds that the complaint, if proven, would constitute a breach of this policy, he or she will forward a copy of the request for investigation to the Respondent within one week of receipt of the request for investigation. The Harassment and Discrimination Officer will also notify the Cabinet that a request for investigation has been received.

Within two weeks of receiving a copy of the request for an investigation, the Respondent shall deliver a written response to the allegations against him or her to the Harassment and Discrimination Officer. The Respondent may include the following in his or her response: (1) make an admission or denial of all or part of the allegations contained in the request for investigation; (2) provide new information about the alleged incident(s); and (3) propose a resolution of the complaint.

Should the Respondent fail to offer a written response, the process will continue in any event.

Upon receipt of the Respondent's reply, or at the time prescribed by which the Respondent ought to have replied, the Harassment and Discrimination Officer will appoint an internal or external Investigator. Within one week of appointment by the Harassment and Discrimination Officer,

the Investigator will begin his/her investigation, which will include: (1) confidential interviews with the Complainant and Respondent; (2) confidential interviews with any witnesses considered relevant by the Investigator; (3) review of any documents considered relevant by the Investigator; and (4) review of any written submissions of the Complainant and Respondent.

The Investigator will provide the Complainant and Respondent with a summary of evidence received from witnesses, to which the Complainant and Respondent may reply as part of the investigative process.

If more than one complaint has been lodged against a Respondent, the complaints may be investigated together.

Within one month of his or her appointment, the Investigator will submit a final report to Cabinet. That report will include:

- (1) A summary statement of the background of the case;
- (2) Copies of the Request for Investigation and the Respondent's reply to the Request for Investigation;
- (3) Copies of any written submissions of the parties;
- (4) A summary of evidence of the Complainant and Respondent arising from interviews with the Investigator and/or written submissions of the parties;
- (5) A summary of evidence of other witnesses interviewed by the Investigator;
- (6) Copies of any documents reviewed by the Investigator in the course of the investigation;
- (7) The Investigator's assessment of the credibility of the parties and witnesses;
- (8) A recommendation for disposition of the complaint, including whether a finding of harassment and/or discrimination ought to be made, and penalty, if any.

The Cabinet will make a binding decision within one month of receiving the Investigator's report and will identify any disciplinary or remedial measures to be taken.

Both the Investigator and Cabinet will apply the "reasonable person test" in their determinations. That is, they will consider whether a reasonable person in roughly the same position as the Complainant would interpret the Respondent's words, displays or behaviour to constitute a breach of this policy, not whether the particular Complainant considers a breach to have occurred. Similarly, the intention of the Respondent or apparent consent of the Complainant are not relevant to a consideration of whether a breach has occurred.

The burden of proof rests with the Complainant, on a balance of probabilities.

The Cabinet will provide a written report of its decision and any measures taken with supporting reasons to the Harassment and Discrimination Officer, the Complainant, Respondent and the Respondent's supervisor or Dean in the case of staff and faculty. The written report of the Cabinet will become part of the staff, faculty or student's file.

In the case of a complaint alleging harassment or discrimination by the Harassment and Discrimination Officer, the Vice President, External Relations will assume the role of the Harassment and Discrimination Officer outlined in this policy and will excuse herself from her role as a member of Cabinet pertaining to that complaint(s).

In the case of a complaint alleging harassment or discrimination by a faculty member, the Investigator will not be a faculty member. In the case of a complaint alleging harassment or discrimination by a staff member, the Investigator will not be a staff member.

In the case of a complaint alleging harassment or discrimination by a member of Cabinet, the Executive Committee of the Board of Governors will assume the role of the Cabinet outlined in this policy.

Any member of Cabinet who has played a role in the investigation or administration of the complaint shall not participate in its disposition.

8. DISCIPLINARY AND REMEDIAL MEASURES

The purposes of any disciplinary or remedial measures to bring an end to the harassment and/or discrimination complained of; to educate the Respondent; and to prevent further incidents of harassment or discrimination. Discipline and remedial measures will be appropriate to the offence and circumstances surrounding it, and may include a letter of reprimand, apology to the Complainant, mandatory remedial education or counselling; suspension or dismissal/expulsion. Considerations in determining disciplinary and remedial measures may include academic or work history, previous proven breaches of this policy, relationship of the parties, the number and seriousness of incident(s), their impact on the Complainant, and the Respondent's intent.

In the case of a contractor, breach of this policy may be considered breach of contract at the discretion of the Cabinet.

9. APPEAL OF THE DISPOSITION OF A FORMAL COMPLAINT

Any Complainant or Respondent who disagrees with the disposition of a formal complaint or the investigation process has the right to an appeal. All appeals must be submitted in writing to the President of Regent College within ten working days of receiving the original decision, and must specify the grounds and nature of the appeal.

Upon receipt of the appeal, the President shall advise the Chair of the Board of Governors, who will appoint two members of the Board of Governors to conduct any investigation necessary to determine if grounds for an appeal exist. If grounds for an appeal are found, the Chair of the Board will be notified and will appoint a three person panel of the Board to hear the appeal and issue a binding decision.

10. FRIVOLOUS AND VEXATIOUS COMPLAINTS

If at any time the Harassment and Discrimination Officer, Investigator or Cabinet determines that the complaint is frivolous, vexatious or brought in bad faith, the complaint shall be dismissed and the Cabinet will decide what penalty, if any, will be imposed on the Complainant.

11. RETALIATION

It is a breach of this policy to retaliate against a person because that person participates in good faith, as a party or witness, in proceedings under this policy. Any such reprisal will be considered harassment under this policy, and a person subject to such reprisal should report it to the Harassment and Discrimination Officer.

12. CONFIDENTIALITY

All persons involved in a complaint and its investigation and resolution are expected to maintain confidentiality to the extent permitted by law.

13. LEGAL COUNSEL AND SUPPORT PERSON

The Complainant and Respondent may be accompanied by a support person of their choice, including legal counsel, at any stage of the formal or informal process.

14. REVISION TO INFORMAL PROCESS

At any time, and with the consent of both the Respondent and Complainant, the formal process may revert to the informal process.

15. WITHDRAWAL OF COMPLAINT

The Complainant may withdraw the complaint at any time. The process of investigation, decision and penalty may continue after the complaint is withdrawn, at the discretion of the Harassment and Discrimination Officer.

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INFORMAL Complaint Pursuant to the Harassment and Discrimination Policy

This form is to be completed if you wish to make an INFORMAL complaint pursuant to Regent College's Harassment and Discrimination Policy:

Your Name _____

Your association with Regent College _____
(ie, student, faculty, staff)

The person(s) against whom you are bringing this informal complaint (the Respondent) _____

The Respondent's association with Regent College _____

Date of the last incident about which you are complaining _____

WHAT HAPPENED? Provide details of the behaviour you believe constitutes harassment or discrimination against you. (Use additional paper if necessary)

WHERE AND WHEN DID IT HAPPEN? Please provide all context you consider relevant to a consideration of whether the behaviour complained of occurred in the context of a College-related activity:

HOW DO YOU HOPE THIS COMPLAINT CAN BE RESOLVED?

Date: _____ Signature: _____

continues on the next page

Your contact information (this information will NOT be provided to the Respondent):

address: _____ telephone: _____ email: _____

FORMAL Complaint Pursuant to the Harassment and Discrimination Policy

This form is to be completed if you wish to make an FORMAL complaint pursuant to Regent College's Harassment and Discrimination Policy:

Your name _____

Your association with Regent College _____
(ie, student, faculty, staff)

The person(s) against whom you are bringing this informal complaint (the Respondent) _____

The Respondent's association with Regent College _____

Date of the last incident about which you are complaining _____

WHAT HAPPENED? Provide details of the behaviour you believe constitutes harassment or discrimination against you. (Use additional paper if necessary.)

WHERE AND WHEN DID IT HAPPEN? Please provide all context you consider relevant to a consideration of whether the behaviour complained of occurred in the context of a College-related activity:

NAMES AND CONTACT INFORMATION OF WITNESSES WHO MAY HAVE INFORMATION ABOUT THE ALLEGED HARASSMENT OR DISCRIMINATION:

Date: _____ Signature: _____

continues on the next page

Your contact information (this information will NOT be provided to the Respondent):

address: _____ telephone: _____ email: _____

Please return this form in a sealed envelope to the Reception desk at Regent College, marked "Harassment Officer" or mail to: Harassment Officer, Regent College, 5800 University Boulevard, Vancouver BC V6T 2E4