

# ANTI-HARASSMENT POLICY

## VANCOUVER SCHOOL OF THEOLOGY

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## **1 PREAMBLE**

### **1.1 Our commitment to a safe and respectful work environment**

Vancouver School of Theology (VST) is a community that operates on Christian values including caring and integrity in relationships. We endeavor at all times to provide a working and learning environment that is free from discrimination, supportive of spiritual and academic life, and that promotes the dignity, self-esteem and fair treatment of all members of the community. The basis of interaction at the School is one of mutual respect, cooperation and understanding, and we will not tolerate any behavior that is likely to undermine this.

### **1.2 Harassment is against the law**

The Canadian Human Rights Act and the Canada Labour Code protect us from harassment. The Criminal Code protects us from physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it. This policy tells you what to do if you experience harassment at work, or if you, as a manager or an employee, become aware of a harassing situation.

VST promises to treat all complaints of harassment seriously, whether they are made informally or formally. We undertake to act on all complaints to ensure that they are resolved quickly, confidentially, and fairly. We will discipline anyone who has harassed a person or group of people. We will discipline managers who do not act properly to end harassment.

## **2 INFORMATION FOR VICTIMS**

### **2.1 How to identify harassment**

Harassment is any behavior that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing), comments (e.g. jokes, name-calling), or displays (e.g. posters, cartoons). It may be a single incident or continue over time. The Canadian Human Rights Act protects persons from harassment that is related to their race, national or ethnic origin, colour, religion, age, gender, marital status, family status, disability, pardoned conviction, or sexual orientation.

## **2.2 Personal harassment**

Disrespectful behavior, also known as “personal” harassment, is also covered in this policy. While it also involves unwelcome behavior that demeans or embarrasses an employee, the behavior is not based on one of the prohibited grounds named above.

## **2.3 Sexual harassment**

Sexual harassment includes offensive or humiliating behavior that is related to a person's gender, as well as behavior of a sexual nature that creates an intimidating, hostile, or “poisoned” work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. A few examples are: questions and discussions about a person's sexual life; touching a person in a sexual way; commenting on someone's sexual attractiveness or sexual unattractiveness; persisting in asking for a date after having been refused; telling a woman she belongs at home or is not suited for a particular job; eyeing someone in a suggestive way; displaying cartoons or posters of a sexual nature; writing sexually suggestive letters or notes.

Sexual harassment is frequently more about power than about sex. It often occurs in situations where there is unequal power between the people involved, and is an attempt by one person to assert power over the other. The harassment can also occur when an individual is in a vulnerable position because he or she is in the minority - the only woman, member of a visible minority, aboriginal person or person with a disability - and is, for example, ostracized by colleagues.

## **2.4 Abuse of authority**

Abuse of authority occurs when a person uses authority unreasonably to interfere with an employee or the employee's job. It includes humiliation, intimidation, threats, and coercion. It does not include normal managerial activities, such as counseling, performance appraisals, and discipline, as long as these are not being done in a discriminatory manner.

## **2.5 Unintentional harassment**

If the person who is accused of harassment should have known that the behavior was unwelcome, he or she may be considered responsible, even for unintentional harassment. If an employer or manager knew or should have known that an inappropriate situation existed, and did nothing about it, they also bear responsibility.

## **2.6 Examples of harassment**

Harassment is any action that makes a colleague, employee, or student feel degraded, humiliated, or embarrassed. It includes, but is not limited to, jokes, comments, insults, touching, pinching, leering, posters, cartoons, e-mail, and telephone calls. It includes conditions of employment that are degrading, humiliating, or sexual, and requests, e.g. for sex, that the employee believes he or she must go along with to keep the job or get a promotion, raise, transfer, or some other benefit of employment, or to avoid being penalized.

Some examples of harassment include but are not restricted to:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a relationship);
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, hitting;
- patronizing or condescending behavior;
- humiliating an employee in front of co-workers;
- abuse of authority that undermines someone's performance or threatens her or his career;
- vandalism of personal property; and
- physical or sexual assault.

## **2.7 Where harassment happens**

Harassment may happen at any place or event related to employment in or outside the workplace. Harassment will not be tolerated in any work-related place or at any work-related event.

## **2.8 What isn't harassment?**

Consensual banter or relationships: Two or more employees bantering back and forth is not harassment if everyone involved is in agreement. However, if any employee feels uncomfortable with this behavior, and the behavior continues even after that person has expressed their discomfort, or if the others involved should have known the person was uncomfortable, then it is harassment.

Employees flirting with each other, or becoming involved in a romantic or sexual relationship, are not harassing each other, as long as the relationship is consensual and

there is no significant power imbalance. If one of the employees changes her or his mind, and the other person persists in trying to continue the relationship, this is harassment. If there is a significant power imbalance between the individuals, for example between a student and professor, this is harassment.

Legitimate management intervention: Appropriate performance reviews, counseling, and discipline are not harassment.

## **2.9 What if an employee, student or faculty member engages in a sexual relationship with another individual at VST?**

An intimate relationship where both people are involved of their own free will is not harassment. However, circumstances may develop whereby a complaint of harassment is made. Consent may not hold as a defense against a charge of sexual harassment in any proceeding conducted under this policy.

VST considers it inappropriate for any member of the faculty, administration or staff to establish an intimate relationship with a student, subordinate or colleague upon whose academic or work performance he or she will be required to make professional judgments. ***Even if the relationship is consensual, it is a violation of this policy for any member of the faculty, administration or staff to offer or request sexual favours, make sexual advances, or engage in sexual conduct with a person who is:***

- **enrolled in a class taught by the faculty member or administrator;**
- **receiving formal academic advice or mentoring from the faculty member or administrator;**
- **working for the faculty member or administrator;**
- **subject to any form of evaluation by the faculty member, administrator or staff member.**

## **2.10 Who can be harassed?**

Anyone can be a victim of harassment. Usually, the most vulnerable people are those in lower-paying or less secure jobs; members of a visible minority; women; people with a visible or invisible disability; people whose sexual preference, age, religion or other factor sets them apart from the majority. People also harass others for more than one reason at a time: a combination of racial and sexual harassment, or sexual and disability harassment, for example.

Administrators and professors can also find themselves being harassed. No matter what your position in the organization, or your personal characteristics, if you believe you are being harassed, report the incident.

## **2.11 Who harasses others?**

Just as any person can be a victim of harassment, anyone can harass another person. Men, women, managers, colleagues, professors, students, and members of the Board of Governors can all behave in a harassing manner. Someone may harass another person because he or she does not realize that the behavior in question is offensive, or the harassment can be intentional. Either way, it is unacceptable. If you knew, or if a reasonable person should have known, that your behavior was offensive or degrading, you may be held responsible for the harassment.

### **3 EMPLOYEES' / STUDENTS' RIGHTS AND RESPONSIBILITIES**

#### **3.1 Respect others**

Each individual has the right to be treated fairly and respectfully in the workplace. Each individual also has the responsibility to treat colleagues in a way that respects individual differences. No matter what your position, or that of the people with whom you interact at work, showing mutual respect and consideration will make work easier for all of us. If you have doubts about whether a joke, comment, or other behavior will embarrass, humiliate, degrade, or otherwise bother someone, then don't say or do it.

#### **3.2 Speak up**

If someone behaves in a way that offends harms, humiliates, or degrades you, do not put up with it. First, if you feel that you can speak to that person, do so. Let them know how you feel. Tell them the behavior is inappropriate. If they continue the behavior, or if you do not feel you can speak directly to the person, you have several options, from speaking to an anti-harassment counselor to filing a formal complaint.

#### **3.3 Report harassment**

If you observe a co-worker or other person behaving in a way that seems to be embarrassing or harassing someone else, you can and should speak up. You can let them know in a respectful way that you think the behavior is inappropriate. If you think someone is being harassed, you can let them know you support them in ending the situation. Depending on the circumstances, you may want to say something as the behavior is happening, or you may decide to speak privately with either of the people involved. You can also speak to your supervisor or anti-harassment officer, although you may want to check first with the person whom you believe is being harassed. They may not want to report the harassment, or may want to deal with it themselves.

All staff have a responsibility to cooperate in the investigation of a harassment complaint. Anyone who gives evidence in an investigation, or who is otherwise involved in the process, must keep this information confidential, except as is necessary to deal effectively with the complaint. These are serious issues, and people's privacy must be respected. Even once a complaint is resolved, confidentiality and respect are important.

## **4 EMPLOYERS' AND MANAGERS' RESPONSIBILITIES**

### **4.1 Put a stop to harassment**

VST has full responsibility for making sure our work environment is free from harassment. All managers at VST also have a responsibility to stop harassment. If you become aware of harassment in your work area, or elsewhere in the School, you must do everything you can to stop it, whether or not a complaint has been made. Not knowing is not an excuse. If a reasonable person should have known that harassment was going on, you will still be held responsible if you let the situation continue. Managers who ignore harassment will not only face legal responsibility, but will be disciplined by VST.

### **4.2 Be aware**

Being aware of the following things can help alert you to problem situations:

- an unexplained change in an individual's performance;
- someone suddenly taking more sick leave;
- an individual isolating her or himself, seeming distracted, not participating in office socializing;
- rumours; or
- awkwardness or discomfort between two or more individuals.

### **4.3 Listen to employees / students**

If something doesn't seem right, talk to the person you are worried about. Often, having someone listen to them can help a person talk about a problem. Be sensitive to peoples' rights and dignity, to keep these discussions and any ensuing discussions confidential, except as is absolutely necessary to deal effectively with the complaint.

## **5 ANTI-HARASSMENT POLICY PROCEDURES**

### **5.1 If you are being harassed**

#### **5.1.1 Speak up**

The first thing to do if you are being harassed is to tell the person harassing you to stop, if possible. Let them know that you are embarrassed, humiliated, demeaned, or otherwise bothered by what they are doing or saying. Often, a person may not be aware that her or his behavior is bothersome, and will change the behavior once they realize this.

#### **5.1.2 Make notes**

You could speak to the person directly, or write them a letter. If you write a letter, date it and keep a copy. If you speak to them, you may want to tell a trusted friend what you have done and why. You should also make a note of what the bothersome behavior was, the date it happened, how you felt, what you did about it, and who else was present, if there were witnesses. Ideally, the harassment will stop. If it does not, continue to keep notes. These will be useful later, if there is an investigation.



### **5.1.3 Informal procedures**

It may be that communicating directly with the person will not be enough, or that you feel unable to deal with her or him directly. In that case, you can speak to your supervisor, another manager, or VST's anti-harassment officer.

The person you speak to will ask you for details of what happened, will make sure you understand the policy and any other options you have (such as a human rights commission complaint), and will ask how you want to proceed. You may ask them to help you write a letter or to speak to the harasser on your behalf. You may ask them to arrange for mediation between you and the person whose behavior offends you. If these attempts to resolve the situation don't work, you can also ask the anti-harassment officer to help you file a formal complaint.

### **5.1.4 Mediation**

If the circumstances permit it, mediation can come before a formal investigation. Mediation is a process by which the anti-harassment officer or another neutral third party helps the people involved in the complaint reach a solution which is acceptable to both parties.

Either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable because of your age, sex, race, colour, religion, sexual orientation, economic position, level of authority, or for any other reason. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process. If mediation does occur, each person has the right to be accompanied and assisted during the sessions by someone with whom they feel comfortable.

### **5.1.5 Formal complaints**

If the informal route for resolving a harassing situation does not succeed or is not appropriate, you may file a formal complaint within one year from the time of the harassment. Your complaint will be investigated by the anti-harassment officer or, if anti-harassment office is involved in the complaint, by an independent consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to cooperate in the investigation. The investigation will be conducted in a timely manner, usually within 10 days of the filing of the complaint.

The anti-harassment officer (or other investigator) will need to know:

- your (the complainant's) name and position;
  - the name and position of the alleged harasser;
  - details of what happened;
  - dates, times, and how often these things occurred;
  - where they happened; and
  - the names of any witnesses.
- You will need to be prepared to supply this information.

If you are the complainant, you have the right:

- to file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal
- to have a person of your choice accompany you during the process
- to make sure that no record of the complaint is placed on your personnel file, as long as it was made in good faith
- to be informed about the progress of your complaint
- to be informed of the type of corrective measures that will result from the complaint
- to receive fair treatment

## **5.2 If you are accused of harassment**

### **5.2.1 Informal procedures**

If someone complains to you informally about your behavior, take a good look at it. It may be that without intending to you have spoken or acted in a way that has offended, humiliated, or degraded another person or group of people. It is your responsibility to change your behavior if it is harassing or offensive to others. You may also want to consider apologizing.

Keep written notes of any conversation you have where someone suggests you have harassed them or another person. Record the conversation and the date it happened, how you felt, and what you did, if anything. Also make notes of your version of the alleged harassment, the date it occurred, and who else was present, if there were any witnesses.

If you and the person who is complaining to you are unable to resolve the situation, you can turn to the anti-harassment officer for advice.

### **5.2.2 Mediation**

If someone has accused you of harassment, and you have not been able to resolve the situation with that person informally, mediation is a possible next step. Mediation may make a formal complaint unnecessary. You can ask for mediation; or you may agree if it is suggested to you. You do not have to agree, however, if you think that you are being pressured into something that does not feel right to you.

### **5.2.3 Formal complaints**

If someone files a formal complaint about your behavior, you will have to participate in the investigation. You will be expected to cooperate, give your perspective on what happened, and, if the investigation shows that you did harass another person or group of people, you will be expected to change your behavior. You will also be subject to disciplinary action.

If you are the individual accused of harassment, you have the right:

- to be informed of the complaint

- to be given a written statement of the official allegations, and to respond to them
- to have a person of your choice accompany you during the process
- to be informed about the progress of the complaint
- to receive fair treatment

### **5.3 The investigation and subsequent action**

#### **5.3.1 Written report**

The anti-harassment officer (or other investigator if the anti-harassment officer is involved in the complaint) will submit a written report to the Principal (or the Principal's designate, if the Principal is involved in the complaint) within one week of the conclusion of the investigation. The report will indicate whether, on a balance of probabilities, there is enough evidence to conclude that harassment occurred. It will also identify all possibilities for resolving the situation, and will recommend one or more courses of action. If harassment has occurred, the Principal will then decide (in consultation with senior administrators, if necessary) what remedies will be provided to the victim, the disciplinary action to be imposed on the harasser; and whether the people in question can continue in their current work areas.

#### **5.3.2 Decision**

The Principal will inform the person who filed the complaint and the harasser of any disciplinary action, remedies, and changes in work within a week after the investigator has handed in the report. Corrective action, remedies, and changes in work will be instituted within one week of the people involved being informed of the decision.

#### **5.3.3 Separation of the complainant and alleged harasser**

If the complainant and the alleged harasser are in a subordinate / supervisor relationship, the anti-harassment officer may recommend to the Principal that one or both of them be assigned to a different work area during mediation or investigation. Co-workers may also be separated during an investigation, if necessary.

#### **5.3.4 Remedies for the victim**

VST will make every reasonable effort to remedy the effects of the discrimination. A person who has been harassed may receive one or more of the following remedies, depending on the severity of the harassment and what he or she lost because of it:

- an oral or written apology from the harasser and VST;
- lost wages;
- a job or promotion that was denied;
- compensation for any lost employment benefits, such as sick leave;
- knowledge that steps have been taken to discipline the harasser;
- a commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.

The complainant does not have the right to demand or expect public retribution or apology.

No record of the complaint, investigation or decision will go in the complainant's personnel file, if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

### **5.3.5 Corrective action for harassers**

Someone who has harassed another person will be subject to one or more of the following forms of discipline, depending on the severity of the harassment:

- a written reprimand;
- a suspension, with or without pay;
- a transfer, if it is not reasonable for the people involved to continue working together
- a demotion; or
- dismissal.

In most cases, the harasser will also be required to attend an anti-harassment training session.

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. When the investigation reveals harassment occurred, the incident and the discipline which is imposed on the harasser will be recorded in the harasser's file.

### **5.4 Unsubstantiated complaints**

If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the accused harasser's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained, and no record in her or his file.

### **5.5 Complaints made in bad faith**

In the rare event that the complaint was made in bad faith--in other words, the person making it had absolutely no basis and deliberately and maliciously filed the complaint -- that person will be disciplined and a record of the incident will be put in her or his file. Penalties for someone who complains in bad faith will be the same as for a case of harassment (see Corrective action for harassers) and will depend on the seriousness of the situation. Compensation for the person falsely accused may include steps to restore any lost reputation, and any of the remedies that would be available in a case of harassment (see Remedies for the victim).

### **5.6 Confidentiality**

VST will not disclose a complainant's or alleged harasser's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law. Managers involved in a complaint are reminded to keep all information confidential, except in the above circumstances.

## **5.7 Other employees**

All employees are expected to cooperate in the investigation of complaints and efforts to resolve them. Employees should be mindful of the sensitivities of the parties and should keep any information related to complaints confidential.

## **5.8 Retaliation**

Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found guilty of harassment, will themselves be considered guilty of harassment and penalized accordingly. The possible penalties are the same as those assessed against harassers.

## **5.9 Appeals**

If either party disagrees with the decision of the Principal they may make a written submission to that effect to the Principal within one week after learning of the decision. If the Principal believes there is sufficient reason to re-investigate or to change the penalty, compensation, or work assignment, he or she may make that decision within one week.

## **5.10 Other Options**

A complainant may choose to file a complaint with the BC Human Rights Tribunal. The Tribunal website, at [www.bchrt.bc.ca](http://www.bchrt.bc.ca), has detailed information on how to do this. You can phone the Tribunal at 604.775.2000 in Vancouver and 1.888.440.8844 elsewhere in BC.

## **5.11 Who to Contact**

Shari Coltart  
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VST Anti-Harassment Officer  
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