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| Policy Number  | 8.6         |
| Approval Body  | Board       |
| Policy Officer | Director HR |
| Approval Date  | April 1998  |

## 8.6 HARASSMENT

### ENABLING LEGISLATION + LINKED POLICIES

***BC Human Rights Code***

***Other Laws of General Application***

***Emily Carr University of Art + Design Policies***

4.6 Student Conduct

4.7 Student Complaints

***Collective Agreements (All)***

### OBJECTIVE

The objective of this policy is to support Emily Carr University of Art + Design's (University) commitment to providing a fair and equitable learning and working environment free from all prohibited forms of harassment as set out in the *Human Rights Act*.

### SCOPE

This policy applies to all members of the University community, including students, employees, visitors, contractors, their employees and agents.

### POLICY

1. The University does not condone and will not tolerate harassment or discrimination which may undermine the dignity, self-esteem and productivity of any student or employee. 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 participants or users of the University.
2. Contractors, their employees and agents, and visitors to the University also are expected to conduct themselves in any University-related activity in a manner consistent with this policy. Allegations of discrimination and harassment, including sexual harassment, against such persons will be dealt with by the University as potential breaches of contract, and/or may result in suspension of University privileges, such as access to the campus.
3. The practice of the individual disciplines pursued at the University are often scrutinized and evaluated in the public realm through presentations and exhibitions. Freedom of intellectual inquiry and expression are essential freedoms in an art and design university, and conflicting ideas and opinions are a vital feature of the environment. The University remains committed to the freedom to produce and display all

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forms of visual expression in any medium and this policy is not designed to limit or restrict intellectual examination and artistic expression.

4. This policy is to be interpreted in a way that is consistent with the *Human Rights Code* and the responsible exercise of academic and artistic freedom. The frank discussion of controversial ideas, and the study, teaching and production of material with controversial content do not constitute harassment, provided that these activities are conducted in a mutually respectful and non-coercive manner.
5. A violation of this policy is a serious offence, which may result in discipline, up to and including dismissal or expulsion from the University's programs.

## **DEFINITIONS OF HARASSMENT**

1. Harassment, for the purposes of this policy includes, but is not limited to:
  - (a) discrimination based on race, national or ethnic origin, colour, religion, union or association membership, age, sex, sexual orientation, marital status, family status, political belief, mental or physical disability or conviction of a criminal or summary conviction offence that is not related to the person's employment, intended employment, education or intended education at the University;
  - (b) objectionable or unwelcome behaviour, which the person committing the behaviour knows or ought reasonable to know, creates a hostile environment that is not conducive to work or study.

For the purposes of paragraph 1(b), objectionable behavior includes, but is not limited to:

- i. verbal abuse or threats;
  - ii. offensive remarks, jokes, innuendoes, or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, or any other prohibited ground under the *Human Rights Code*;
  - iii. practical jokes which are demeaning or humiliating;
  - iv. persistent unwelcome invitations or requests;
  - v. unwelcome physical contact such as touching, patting, pinching and punching;
  - vi. leering, badgering or intimidating action; and
  - vii. sexual assault.
2. Harassment may be one incident or a series of incidents which, considered in isolation, may not constitute harassment. A specific form of harassment that is covered by this policy is sexual harassment. Sexual harassment may include unwanted sexual attention, sexual solicitation or sexually oriented remarks or behaviour. Sexual harassment includes, but is not limited to:
    - (a) implied or expressed promise or reward with respect to a term(s) of employment, academic status or academic credit for compliance with a sexually-oriented request;
    - (b) reprisal or implied or expressed threat of reprisal with respect to a term(s) of employment, academic status, or academic credit for failure to comply with a sexually-oriented request;
    - (c) denial of opportunity, or the threat to deny opportunity, with respect to a term(s) of employment, academic status, or academic credit for failure to comply with a sexually-oriented request; and

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- (d) unwanted sexual attention or solicitation which has the effect of interfering with an individual's work or academic performance, or which creates a hostile environment not conducive to work or study.
  - (e) harassment may occur between people of the same or different status within the University community and both women and men may be the subject of harassment by either sex.
  - (f) the definition of harassment is not meant to inhibit interactions or relationships based on mutual consent or normal social contact between members of the University's community.
  - (g) harassment does not include comments or conduct arising out of the exercise, in good faith, of classroom management, student critique or evaluation, or managerial or supervisory rights and responsibilities.

### **CONFIDENTIALITY**

1. All parties involved in addressing alleged harassment and resolving complaints will make every effort to keep confidential any information concerning an allegation of harassment, except to the extent necessary to properly investigate and resolve the matter.
2. While steps will be taken to preserve the confidentiality of the complaint to the maximum degree possible, the complainant should understand that the alleged harasser(s) will be made fully aware of the details of the complaint(s) and will be given an opportunity to respond, in accordance with this policy and the basic rule of fairness. In addition, the investigator(s) will likely interview other persons who may have pertinent information and/or who may have witnessed the incident(s). The complainant will be apprised of the outcome of the investigation.

### **HUMAN RIGHTS EDUCATION**

The University will endeavour to provide educational opportunities to members of the University's community to raise awareness about human rights issues, promote respect for all members of the University's community and create a positive climate for work and study.

### **COLLECTIVE AGREEMENTS**

Nothing in this policy abrogates from the rights of a bargaining unit member to exercise their rights under their Collective Agreement.

### **OTHER POLICIES AND AGREEMENTS**

The application of this policy and these procedures are not to be construed as removing any statutory rights or obligations arising out of any existing policy, code of conduct, student grade appeal, and may be modified in specific instances as is reasonably necessary.

### **HUMAN RIGHTS COORDINATOR (HRC)**

1. The President shall appoint at least one Human Rights Coordinator to provide confidential advisory services regarding harassment issues.
2. The HRC shall be experienced (trained) in complaint resolution techniques.

### **POLICY SUPPORTS**

#### 8.6.1 Harassment Procedures