



Policy Number	8.6.1
Approval Body	PEC
Policy Officer	Director HR
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8.6.1 HARASSMENT PROCEDURES

A. CONSULTATION WITH HUMAN RIGHTS COORDINATOR

1. Any member of the University's community may seek the confidential advice from the Human Rights Coordinator (HRC) about harassment issues.
2. The HRC will listen, advise on internal and external options for resolution and provide the person with a copy of this policy.
3. Complaints of discrimination and harassment, including systemic discrimination and sexual harassment can be resolved by employing any or all of the following procedures: (A) informal resolution, (B) mediation, (C) investigation and recommendation.
4. The HRC may suggest that a complaint could be more appropriately dealt with under another policy or procedure (for example, grade appeal, grievance, etc.).
5. If a complainant chooses not to proceed under this policy, the HRC may recommend further investigation. The HRC may, in appropriate circumstances, refer the matter to the Human Resource Department for further investigation.
6. If at any point a complainant chooses to pursue a remedy or procedure external to this policy, the HRC will not continue to act on the complaint.

B. INFORMAL RESOLUTION

1. Informal resolution is a resolution to which the complainant consents, and is arrived at with the assistance of an Administrative Head of Unit and/or the HRC, but without the use of either mediation or investigation. The possible means of achieving informal resolution are numerous. Examples include advice to the complainant such as referral for counseling or letter to the respondent; investigation by the Administrative Head of Unit; relocation of the complainant and/or the respondent; disciplining the respondent; or referral to other University policies and procedures. Informal resolution can occur without knowledge to anyone other than the complainant and the Administrative Head of Unit, or the HRC who receives the complaint.
2. In keeping with their administrative responsibilities, Administrative Heads of Unit take disciplinary or remedial actions upon informing the individual affected. No informal resolution of a complaint that adversely affects the academic, employment, professional, or other interests of the respondent shall proceed without the consent of the respondent.

C. LETTER OF COMPLAINT

1. If a complainant wishes to file a complaint under this policy, the complaint must:
 - (a) be in written form;
 - (b) contain the name of the complainant and the respondent;
 - (c) contain details of the incident(s) complained of, including dates, places and names of individuals involved or witnessing the incident, and attach copies of any relevant documents;
 - (d) be dated and signed by the complainant.
2. The complaint must be delivered to the HRC within six (6) months of the last incident(s) of the harassment.
3. Upon receiving a written letter of complain, the HRC shall:
 - (a) notify the respondent in writing of the complaint;
 - (b) provide the respondent with a copy of the letter of complaint and this policy;
 - (c) encourage the respondent (and a representative if desired) to meet with the HRC to obtain procedural advice and other information.

D. LETTER OF RESPONSE

1. If a respondent wishes to reply to a written complaint, the response must:
 - (a) be in written form;
 - (b) contain specific reply to the allegations contained in the complaint including dates, places and the names of any witnesses and copies of any relevant documentation;
 - (c) be dated and signed by the respondent.
2. Upon receipt of a written response, the HRC will provide the complainant with a copy of the response.
3. If a respondent chooses not to reply to a complaint, the matter will be referred directly to the President.

E. RESOLUTION BY THE HUMAN RIGHTS COORDINATOR

1. This is a voluntary process.
2. If both the complainant and respondent agree, the HRC will meet with the complainant and respondent, either individually or together, to attempt to secure a resolution of the complaint satisfactory to both parties.
3. If a resolution is achieved, the complainant and respondent will sign a Resolution Agreement prepared by the HRC. Should the resolution include an action or remedy by the University, the Resolution Agreement must also be signed by the member of the University responsible for ensuring that the remedy is followed through. All parties will receive a copy of the Resolution Agreement. The complaint will be considered closed and the HRC will cease to act on the complaint.

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4. If a resolution is not achieved or either party withdraws from the resolution process, the complaint will:
 - (a) be referred to the President; or
 - (b) the complainant may withdraw the complaint.

F. REFERRAL TO THE PRESIDENT

1. If the complaint is referred to the President, the HRC will forthwith inform the parties in writing.
2. If the complaint involves an allegation against a faculty member, the President shall notify the appropriate Dean and follow the procedures set out in the Faculty Collective agreement.
3. If the complaint involves an allegation against an employee other than a faculty member, the President shall notify the Director of Human Resources who shall ensure that the matter is investigated by either an internal or external investigator with special expertise in harassment complaints. Based on the results of the investigation, the Director shall take whatever action is appropriate in the circumstances.
4. If the complaint involves an allegation against a student, the President shall notify the Director of Student Services who shall ensure that the matter is investigated by either an internal or external investigator with special expertise in harassment complaints. Based on the results of the investigation, the Director shall take whatever action is appropriate in the circumstances.
5. Notwithstanding the above, the President may:
 - a) appoint an ombudsperson or investigator with special expertise in the investigation and resolution of harassment complaints to investigate and make findings of fact about the complaint. Upon completion of the process, the ombudsperson or investigator will provide the President with a written report containing his/her findings and copies of any documents relied on or provided to the ombudsperson or investigator regarding the complaint, including the complaint and reply. The findings of the ombudsperson or investigator will be binding on the parties.
 - b) with the consent of the parties, appoint a mediator experienced in harassment complaints to assist in resolving the complaint. If a resolution is achieved, the complainant and respondent will sign a Resolution Agreement, prepared by the HRC. Should the resolution include an action or remedy by the University, the Resolution Agreement must also be signed by the member of the University responsible for ensuring that the remedy is followed through. All parties will receive a copy of the Resolution Agreement. If a resolution is not achieved, the President may proceed under any of the options noted in this section.
6. If an ombudsperson or investigator is appointed, then, after considering the findings of the ombudsperson or investigator, the President will either dismiss or uphold the complaint. If the complaint is upheld, appropriate disciplinary action may be taken which may be grieved or appealed in accordance with the procedures set out under applicable collective agreement or policy.

G. RETALIATION

Retaliation against an individual who has filed a complaint or who has been named as a respondent or witness in a complaint may result in disciplinary action by the University.

H. TIME LIMITS

Every effort will be made to deal with the complaint process in a timely manner. All complaints must be filed within six months of the most recent incident.

I. DISCIPLINARY ACTION

A violation of this policy may result in discipline, up to and including termination or expulsion from the University. This includes disciplinary action against any person who files a complaint in bad faith.

J. APPEALS

Nothing in the policy or these procedures limits the rights of an individual disciplined under this policy and these procedures to avail himself/herself of existing avenues of appeal in any Collective Agreement, *the University Act*, *the BC Human Rights Code* or from initiating any other proceedings in law.

K. RECORDS

The HRC is to provide an annual report to the Board of Governors indicating only the number of complaints received, nature of the complaints, and the final resolution of those complaints. All other information is deemed to be protected under *the "Freedom of Information and Protection of Privacy Act"* (s.22(2)(f)). The University assumes that all Information disclosed by all parties will have been made in confidence, and all information surrounding the complaint will be secured under lock and key by the HRC.

L. REVIEW

A review of this policy will be ongoing. A formal review shall be commenced by the HRC one year after the approval date of the policy.