

Respectful Campus Policy

Pearson College is an international community of young and old, and is by its very nature open to multiple interpretations on how people interact with each other. This cultural richness then becomes part of the very magic of discovery that makes up the Pearson College experience. However, because this multicultural mix can complicate the daily human rhythm, where relationships flower and wane and where sometimes misunderstandings and hurt lurch into focus, there needs to be a formal reminder that the dignity of the human spirit must not only be nurtured but also be protected.

It must be understood by all that Pearson College is a respectful community and we are an organization that will not tolerate harassment or bullying of any kind.

General

All members of the Pearson College community, including faculty, staff, students, volunteers, contractors, and visitors, are entitled to a supportive environment in which individuals are treated with respect, provided with equal treatment and opportunity, and which is free of harassment and bullying.

Pearson College's policy is that individuals will be free from harassment and bullying on the basis of age, gender, race, colour, religion, creed, national origin, citizenship, language, marital status, family status, sexual orientation, disability/handicap, political belief or any other prohibited grounds for discrimination. This policy also includes the right to freedom from sexual harassment. This policy applies to interpersonal and electronic communications.

Harassment and bullying on any of these grounds is a serious infringement upon a person's dignity and integrity. Pearson College is committed to preserving every individual's right to freedom from harassment. Achieving this objective depends on the mutual respect and cooperation of all members of the community.

Definition – Harassment & Bullying

Objectionable conduct that may have the effect of creating an intimidating, hostile or offensive environment, interfering with an individual's professional, academic or work performance, adversely affecting an individual's relationship within the community and/or denying an individual dignity and respect.

Inappropriate conduct or comments by a person towards someone that the person knew or reasonably ought to have known would cause the individual to be humiliated or intimidated.

Harassment and bullying may include:

1. Abusive, unfair, or demeaning treatment of a person or group of persons on the basis of their age, gender, race, colour, religion, creed, national origin, citizenship, language, marital status, family status, sexual orientation, disability/handicap, political belief or any other prohibited grounds for discrimination;
2. Derogatory comments, gestures, looks, unwanted physical contact or sexual advances, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawings or displays of sexually suggestive pictures;

3. Implied or expressed promises of reward or benefit for complying with sexually oriented requests; or
4. Implied or expressed threats of reprisal in the form of either actual reprisal or denial of opportunity for refusal to comply with a sexually oriented request.
5. Harassment and bullying can be both face to face and electronic.

Harassment and bullying may occur as a single encounter or a series of incidents, persistent innuendoes or threats. Tolerance for what is considered acceptable behaviour may vary widely among individuals. As a general rule, harassment is considered to have taken place if a person knows or ought reasonably to know the behaviour is unwelcome. The College will address harassment and bullying even in the absence of a complaint.

Any sexual relationship between a faculty or staff member and a student, minor volunteer, or challenged adult involved in a program at the College, whether sexual harassment or not, will be deemed to be a serious breach of trust and will be covered by this policy.

When the Head of College has grounds to believe a member of the College community may have committed a sexual assault, or other criminal act, he/she is obliged to immediately report that matter to the Board Chair and the local police.

Responsibilities

The Head of College is responsible for communicating this policy to all current and new members of the community.

It is the responsibility of the Head of College to:

1. Ensure the organization is free from harassment and bullying as defined in this policy;
2. Ensure that all members of the community are aware of and understand the provisions of this policy;
3. Ensure that employees are informed of the College's policy and procedures for dealing with cases of harassment and bullying;
4. Promptly investigate and take appropriate action either when a formal complaint is received including informing the local police if a criminal act is alleged to have occurred;
5. Take appropriate corrective action with a community member who is found to have committed an act of harassment and/or bullying.

A person in authority who is aware of harassment and/or bullying and fails to take steps to prevent or correct it may be subject to discipline.

Each member of the community has a personal responsibility to inform any person who harasses or bullies that such behaviour or comments are unwelcome and unacceptable.

Complaint Procedure

Any person who believes that he or she is being subjected to harassment or bullying should take any or all of the following actions:

1. Tell the harasser or bully very clearly that his or her words or action are not welcome, this may resolve the problem;
2. Remind the harasser that his behaviour contravenes this harassment policy;
3. Keep a written record of names of people involved, dates, times, specific behaviour and witnesses, if any. Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted;
4. Make a complaint either verbally or in writing if the above measures are not effective. A complaint should be made to a supervisor, a houseparent, a teacher, the Head of College, or if the complainant is more comfortable doing so, to a staff member. If the complaint is against the Head of College, the complaint should be directed to the Chair of the Human Resources Committee.

Filing a Complaint

Individuals who believe they are themselves being subjected to harassment or bullying or who observe or know of a member of the community who is being harassed are encouraged to contact their supervisor, houseparent, teacher or the Head of College for advice and assistance. Employees' access to management in such instances is not limited to their immediate manager/supervisor.

Complainants should also be aware that there are also a range of external options open to them such as contacting the local police, and/or the BC Human Rights Tribunal.

In the event that there is any conflict of interest in the Head of College handling the complaint, the complaint may be referred to the Chair of the Board or the Chair of the Human Resources Committee who shall assume the responsibilities of the Head of College for the purpose of handling the complaint.

Complaint Investigation Procedure

As the relationship between two or more people can be damaged as a result of a complaint being lodged, it is important to focus discussions on conflict resolution, to resolve the issue as near to the source as possible and as quickly as possible.

The Head of College is responsible for ensuring that complaints are investigated. If any person in authority is approached with a complaint, they must immediately contact the Head of College for advice on how to handle the complaint. All complaints, however informal or preliminary will be investigated in a prompt, confidential and impartial manner.

Anyone receiving a complaint should follow these procedures:

1. Contact the Head of College for advice and assistance in further handling the complaint;
2. Meet with the complainant as soon as possible;
3. Assure the complainant that the discussion will be kept confidential except as may be required by the Head of College for the purpose of investigating the complaint;

4. Help the complainant understand the process for handling harassment complaints including assisting them to put the complaint in writing if necessary their concerns in writing;
5. Should not further investigate or otherwise involve himself/herself in the matter without the Head of College's authorization.
6. The Head of College will then decide who will investigate the complaint.

The complainant may, if he or she wishes, have another community member of his/her choice present at all meetings during the investigation. The complainant must understand that the essence of the allegations will be made known to the alleged harasser, but the investigation will be conducted in as confidential a manner as possible.

The Head of College may take any interim action that he or she deems necessary to protect the complainant or the community including but not limited to suspension and removal from campus of the respondent while the investigation is ongoing.

The Head of College or the designated investigator will then select a course of action. It should reflect the need to resolve the conflict, the severity of the alleged actions, the history, and the requirements of procedural fairness and any other relevant circumstances.

The course of the action should ensure that the complaint is dealt with in a fair, unbiased and timely manner and that both the complainant and the respondent have a full opportunity to present their position.

When a course of action has been selected, the investigator should:

1. Explain to the complainant the steps the investigation will take and assure that the complainant will be informed of the results of the investigation and the College's actions in resolving the conflict;
2. Provide to both the complainant and the respondent a copy of this policy;
3. Inform the respondent that a complaint has been made;
4. Explain to the respondent the policy regarding harassment complaints and the fact that the College has the responsibility to investigate and act on all complaints;
5. Outline to the respondent the planned course of action, allowing him or her an opportunity to respond;
6. Inform the respondent that he or she may have a member of the community with them through all stages of the complaint procedure;
7. Inform the Head of College, the complainant and the respondent of the conclusions reached by the investigation;
8. Ensure appropriate records are maintained.

These records should include:

- (A) Details of all reported incidents;
- (B) Descriptions of what was said, done, etc., by all parties involved;

- (C) Steps considered and agreed to be taken to resolve the complaint;
- (D) Action taken to resolve the situation

9. Ensure that all harassment complaints are treated as strictly confidential and that no information is divulged to unauthorized persons either by the investigator or the respondent.

Withdrawal of the Complaint

If the complainant withdraws the complaint, the investigator should:

1. Require the withdrawal in writing;
2. Determine the reasons for the withdrawal of the complaint;
3. Ensure the College has had an opportunity to obtain legal advice regarding vicarious liability
4. Inform the respondent that the complaint has been withdrawn and of future actions, if any;
5. Document the reasons for withdrawal and resulting actions.

Corrective Action

Where the complaint has been withdrawn and/or after investigation the complaint is found to be without merit, the Head of College may, if necessary and appropriate, take action to clear the reputation of the respondent.

If, after an investigation, it is determined that the respondent has committed an act of harassment, corrective action must be taken.

Retaliation against a complainant will not be tolerated.

Corrective action may range from educating the respondent on the inappropriateness of his or her behaviour and how to change it, to dismissal, dependent upon the circumstances of his or her case. The Head of College, after considering the investigator's conclusions, will determine appropriate corrective action.

Except in a case of dismissal, the respondent will be informed that the corrective measure being taken is intended to change behaviour and that any repetition of the unacceptable behaviour will result in more serious disciplinary action being taken, up to and including dismissal.

Reporting

At the end of each academic year, the Head of College and the Human Resources Committee will issue a report indicating if any complaints were filed under this procedure during the academic year. The report will record the number of complaints filed, and the number of complaints resolved during the academic year, but will not identify the complainants, or the details of the complaints, which will remain confidential.