

PEARSON COLLEGE UWC

RESPECTFUL COMMUNITY POLICY

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In keeping with Canadian culture, federal and provincial laws, the BC Child, Family and Community Service Act, the BC Human Rights Code and the ethos of the United World Colleges movement, Pearson College UWC is committed and obliged to provide a safe and respectful environment for all its youth, child and adult populations; and all employees, volunteers, students, and other campus residents of Pearson College UWC.

The College is committed to providing a respectful working, living and learning environment that is free of discrimination, supportive of personal growth and achievement and one that upholds the dignity, self-esteem and fair treatment of all members of the College Community, including employees, volunteers, students, campus residents, contractors and visitors. This commitment represents the right and responsibility of every member of the College Community.

This Policy is adapted in furtherance of Pearson College UWC's commitments, set out above, and in compliance with the College's obligations under the British Columbia Human Rights Code. The policy shall therefore be interpreted in accordance with applicable legislation and jurisprudence.

Pearson College UWC is a respectful community and an organization that does not tolerate harassment, bullying and/or discrimination of any kind.

Every member of the College community has a responsibility to ensure that the *Respectful Community Policy* is understood and observed. In turn, the College has an obligation to ensure it provides the support and training to meet this objective.

Even in the absence of a Complaint, whether it be informal or formal, the College will endeavor to address harassment, bullying and/or discrimination.

General

The College's Policy complies with the BC Human Rights Code and confirms that individuals will be free from harassment, bullying, discrimination and/or personal harassment of any kind on the basis of age, sex, gender identity, gender expression, race, colour, religion, creed, national origin, citizenship, language, marital status, family status, sexual orientation, physical or mental disability, political belief or any other prohibited grounds for discrimination. It applies to all of the Pearson College UWC community including, but not limited to, vulnerable groups such as immigrants, racialized and religious minorities and members of LGBTQ communities. Pearson College UWC will not tolerate any form of racism, sexism, discrimination or any form of social prejudice.

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

This Policy applies if the harassment, bullying and/or discrimination is alleged to have occurred on Pearson College UWC property, during any part of the College program, during travel to/from and while at College-

sanctioned events or locations. This Policy applies at all times and to all communications/interactions – whether they be interpersonal or electronic.

This Policy also includes the right to freedom from sexual harassment and includes adjunct Pearson College UWC Policies and documents - *Gender Diversity Policy, Non-Discrimination and Accommodation Policy, Sexual Misconduct-Sexual Violence Policy, Incident Protocols, Emergency Procedures and Student Handbook.*

The Policy applies to all employees, volunteers, students, and other campus residents. For visitors and guests, College hosts are responsible for ensuring that they are advised of this Policy and its importance to Pearson College. Should a visitor or guest breach this Policy the host will inform the visitor/guest of the Policy and the host will be asked to meet with the Head of College or their designate for discussion of the Policy and the breach. If possible, the visitor/guest will be asked to reconcile the conduct through an appropriate resolution. If the visitor/guest refuses to abide by the Policy that person(s) will not be invited to or welcome on the campus or at College-sanctioned events and locations and their host will be instructed that the person(s) may not be invited on campus or to College-sanctioned events/activities in the future. Should this be a one-time visitor/guest the host will be reminded of the obligation of the host under this Policy.

For unsupervised contracted services, the contractor will acknowledge and agree to abide by the requirements of this Policy on behalf of him/herself and all their employees.

While an individual (whether witness or victim) is encouraged to vocalize their objection to inappropriate comments or conduct at the time that they occur, and in keeping with Section 4, they are not required to do so. It is recognized that victims of harassment, bullying and/or discrimination often feel incapable of confronting offenders because of differences in their:

- respective positions of power and authority;
- fear of reprisal;
- fear for their safety, or personal insecurity; and/or
- inexperience in dealing with such situations.

An offender therefore cannot evade culpability under the Policy by claiming that they could not reasonably have known that their conduct was inappropriate or unacceptable, even if, at the time of the occurrence(s), the individual seemed to have consented or accepted the behaviour.

Any retaliation against an individual(s) who believes themselves to have been subjected to harassment, bullying and/or discrimination, the individual(s) alleged to have been engaged in harassment, bullying and/or discrimination or any witness will not be tolerated and will be considered a violation of this Policy.

Subject to Section 8, all members of the College community can assert their rights under this Policy without fear of reprisal, and a complaint made in good faith under this Policy shall not negatively affect them.

A finding of intention to harass, bully or discriminate is not required in order to establish a breach of this Policy.

In this Policy, where there is reference to the Head of College or their designate, the designate is normally the Acting or Deputy Head of College. In the case of a complaint against a student, the designate may be the Vice-President Education and Programming insofar as the Dean of Students reports to them; in the case of a Complaint against an adult, the designate may be the Vice-President Operations and Administration in their capacity as head of Human Resources.

1. Definitions

1.1 Complainant

Any individual who believes themselves to have been subjected to harassment, bullying and/or discrimination;

1.2 Respondent

Any individual alleged to have been engaged in harassment, bullying and/or discrimination.

1.3 Investigator

The person assigned by the College for the purposes of investigating the Complaint. All Investigators will be trained, qualified individuals for the purposes of investigations under the terms of this Policy.

1.4 RCMP

The Royal Canadian Mounted Police or local law enforcement.

1.5 Pearson Community

For the purposes of this Policy, the Pearson College UWC community includes employees, volunteers, students, other campus residents, contractors and campus guests. The Policy will be invoked should any member of the community be a Complainant or Respondent while employed, living, studying or volunteering at the College. Disclosures made about incidents happening outside of the authority of Pearson College UWC will be addressed, as necessary, in conjunction with the appropriate policing and judicial systems.

1.6 Adult

For the purposes of this Policy, the term “adult” refers to any individual aged 19 or over.

1.7 Student

For the purposes of this Policy, the term “student” refers to any individual (of any age) who is registered in one or more of the College’s educational programs, including its youth summer programs and all programs sanctioned by the Pearson College UWC.

1.8 Harassment, Bullying and Discrimination

Harassment, Bullying and Discrimination are 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.

It includes 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.

Sexual harassment is further defined in Section 2 and in Appendix 1.

Harassment, bullying and/or discrimination may include:

- a) Abusive, unfair, or demeaning treatment of a person or group of persons on the basis of their age, gender, gender identity, gender expression, race, colour, religion, creed, national origin, citizenship, language, marital status, family status, sexual orientation, physical or mental disability, political belief or any other prohibited grounds for discrimination;
- b) 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;
- c) Any action which recklessly endangers – intentionally, or unintentionally – the mental and/or physical health, personal safety, educational well-being of a person, for example, hazing, swarming, mobbing and similar behaviour;
- d) Implied or expressed promises of reward or benefit for complying with sexually oriented requests; or
- e) 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; and
- f) Harassment, bullying and/or discrimination can be face- to-face (in person) and/or virtual (online).

Harassment, bullying and/or discrimination 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, bullying and/or discrimination is considered to have taken place if a person knows or ought reasonably to have known the behaviour is unwelcome.

The Respondent's good intentions will not preclude a finding of harassment, bullying and/or discrimination if a Respondent ought reasonably to have known that a reasonable person in the Complainant's circumstances would find the comments or conduct to be objectionable.

Discrimination:

Discrimination is defined as differential treatment based on a person(s)'s race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, age, sex (including gender, sexuality or pregnancy), sexual orientation, gender identity or expression or a criminal conviction unrelated to employment that results in an adverse impact up that person as a result of the differential treatment.

Discrimination includes practices, policies and attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's equal access to opportunities generally available to others because of attributed rather than actual characteristics. It is not a question of whether the differential treatment is motivated by an intentional desire to obstruct someone's potential, or whether it is the accidental by-product of innocently motivated practices or systems. If a policy or practice is affecting certain individuals or groups in a disproportionately negative way based on a prohibited ground, then the policy or practice is discriminatory, unless it is justifiable under the British Columbia *Human Rights Code* (for example, if it constitutes a *bona fide* occupational requirement).

2. Sexual Misconduct, Sexual Abuse, Sexual Assault, Sexual Harassment and/or Sexual Violence

See detailed *Sexual Misconduct-Sexual Violence Policy*

Pearson College UWC does not tolerate any form of Sexual Misconduct, Sexual Abuse, Sexual Assault, Sexual Harassment and/or Sexual Violence.

The College does not tolerate any sexual relationship between an adult (faculty, staff, resident, volunteer, visitor, guest, contracted services member) and a student (regardless of age), minor volunteer or challenged adult involved in a program at the College. In such a relationship, consent cannot be reasonably be given and would be deemed to be a serious breach of trust, if not the law. This Policy and the *Sexual Misconduct-Sexual Violence Policy* apply.

Pearson College UWC will not tolerate any sexual relationship between adults that is in breach of the *Sexual Misconduct-Sexual Violence Policy*.

Sexual harassment is any unwelcome conduct of a sexual nature that detrimentally affects an individual's learning, living or work environment and/or leads to adverse consequences for the individual. (See expanded definition in Appendix 1 and additional definitions in the *Sexual Misconduct-Sexual Violence Policy*.)

When the Head of College or their designate has reasonable grounds to believe a member of the College community may have committed sexual assault, or other criminal act, they are obliged to immediately report that matter to the Board Chair and the RCMP.

3. Responsibilities

It is the responsibility of the Head of College to ensure that all adult and youth members of the Pearson College Community are familiar with this Policy. To this end, all members of the community will be required to participate in ongoing training and education in support of this Policy. They will also be required to annually review and sign a copy of this Policy. All new employees, volunteers, students, and other campus residents must read in full and sign this Policy.

It is the responsibility of the Head of College to:

- a) Ensure the organization is free from harassment, bullying and/or discrimination as defined in this Policy;

- b) Ensure that all members of the community are aware of and understand the provisions of this Policy;
- c) Ensure that employees are informed of the College's Policy and procedures for dealing with cases of harassment, bullying and/or discrimination;
- d) Promptly proceed with an investigation and take appropriate action when a formal Complaint is received, including informing the RCMP if a criminal act is alleged to have occurred; and
- e) Ensure that appropriate corrective action is taken with a community member who is found to have committed an act of harassment, bullying and/or discrimination.

Any adult or person in authority, including employees, campus residents and volunteers, who is aware of harassment, bullying and/or discrimination and fails to take steps to prevent or correct it may be subject to disciplinary action.

Each member of the community has a personal responsibility to inform any person who commits an act of harassment, bullying and/or discrimination that such behaviour or comments are unwelcome and unacceptable. Recognizing that there may be circumstances in which a person is unsure of the action to be taken or fearful of taking such a step due to relative positions of power, each member of the community is encouraged to act on this personal responsibility by informing a person of authority - without fear of reprisal, fear for their personal safety, and/or inexperience in dealing with such situations.

4. Resolution Options

Absent exceptional circumstances, complaints must be made within one year of the last alleged incident of harassment, bullying and/or discrimination. Earlier incidents may be included in a complaint, provided that the most recent incident occurred within the past year. There is no time limit for reports of Sexual Misconduct, Sexual Abuse, Sexual Assault, Sexual Harassment and/or Sexual Violence.

Any member of the College community who believes that any person is being subjected to harassment, bullying and/or discrimination should take any or all of the following actions:

- a) Tell the Respondent very clearly that their words or action are not welcome, this may resolve the problem;
- b) Remind the Respondent that their behaviour contravenes this *Respectful Community Policy*;
- c) 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;

- d) Report the incident(s) to a designated individual (see (e) below and Sections 3.1 and 4) and request assistance in resolving the conflict. Informal methods may be requested through such methods as a facilitated conciliation meeting, mediation or restorative justice. Reports can also be made through the *EthicsPoint* helpline:

<http://www.pearsoncollege.ca/p/?pgn=Us&subpgn=Facts&pn=EthicsPoint>;

EthicsPoint provides an anonymous method for anyone – including current and former students, residents and employees – to report behaviour of College employees or other individuals associated with the College that is illegal, unethical, a violation of safety regulations, fraudulent, an abuse of College property, a misuse of College funds, substance abuse or other conduct that violates the College's policies, for example this *Respectful Community Policy*.

- e) Make a Complaint either verbally or in writing if the above measures are not effective. A Complaint should be made to a Supervisor or trusted adult on campus such as a Houseparent or other resident, an Advisor or other teacher, the Head of College or their designate, or other member of Administration. If the Complaint is against the Head of College, the Complaint should be directed to the Chair of the Human Resources Committee of the Board of Directors.

4.1 Filing a Complaint

Individuals who:

- believe they are being subjected to harassment, bullying and/or discrimination; or
- who observe or know of a member of the community who is being harassed, bullied and/or discriminated against; and
- have made initial efforts to correct the behaviour but have been unsuccessful; or
- are reluctant to address the issue directly with the Respondent

are to contact a Supervisor or trusted adult on campus such as a Houseparent or other resident, an Advisor or other teacher, the Head of College or their designate, or other member of Administration. Employees' access to management in such instances is not limited to their immediate manager/supervisor.

Complainants should be aware that there is also a range of external options available to them such as contacting the local RCMP and/or the BC Human Rights Tribunal <http://www.bchrt.bc.ca/>. The College does not defer through this process any claims that may or may not be made through the BCHRT, WCB or the courts and any deadlines for filing in these tribunals are independent of the process set out herein. The College may apply for a deferral or stay of proceedings pending a resolution of the process under this Policy.

In the event that there is any conflict of interest with the Head of College handling the Complaint, the Complaint may be referred to the Chair of the Board of Directors 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.

5. Intake and Investigation Procedures

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 or their designate. All complaints, however informal or preliminary, will be investigated promptly within a reasonable timeframe required. The investigation will be conducted in a confidential and impartial manner.

5.1 Intake Procedure

Anyone receiving a complaint should contact the Head of College or their designate who will:

- a) Meet with the Complainant as soon as possible;
- b) Assure the Complainant that the discussion will be kept confidential except as may be required for the purpose of investigating the Complaint. If the allegations involve criminal and/or potentially criminal conduct, the Head of College or their designate may be obligated to report the Complaint to the RCMP.
- c) Help the Complainant understand the process for handling complaints and provide support while the Complainant puts the complaint in writing. The Complainant should not be assisted in writing the complaint itself (except in circumstances where the Complainant has a disability and is simply acting as a scribe to accommodate the disability). The Complainant may, if desired, have another community member of their choice present at all meetings prior to or during the investigation provided that the community member is not a witness in the investigation. Complainants and Respondents with difficulty in describing and writing the incident in English will be provided a translator. The Complainant must understand that the essence of the allegations will be made known to the Respondent, but the investigation will be conducted in confidence.
- d) Appoint an Investigator (See Section 5.2.3 for Investigator's Responsibilities.)

The Head of College or designate may take any interim action deemed necessary to protect the Complainant and/or the community, including but not limited to, suspension and removal from campus of the Respondent while the investigation is ongoing. To protect the integrity of the investigation the Head of College or their designate may also appoint an external investigator, where circumstances warrant.

The Investigator will pursue a course of action as outlined below in Section 5.1.1.

5.1.1 Course of Action

The course of action 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.

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.

Dependent upon the circumstances of the case, the course of action may range from educating the Respondent on the inappropriateness of the behaviour and how to change it, to outright dismissal.

A course of action may include:

- The Investigator bringing the parties together to discuss the complaint with the aim of resolving the situation; and/or
- Initiating an “informal” or “formal” resolution process as outlined below.

The Head of College or their designate may take interim measures during either the informal or formal processes.

5.2 Investigation

An Investigation will take place in all cases of a complaint of harassment, bullying and/or discrimination, whether an Informal or Formal Complaint resolution process is selected. The steps in the Investigation process are described in Section 5.2.3.

Once the Informal or Formal Complaint Resolution Process has been selected, the Investigator will initiate the action required according to the resolution requirements outlined here.

5.2.1 Informal Complaint Resolution

The College strives to provide a wide range of options to resolve Complaints. Recognizing that in a highly diverse community such as Pearson College UWC there may be differences in cultural understanding of harassment, bullying and/or discrimination, the College will make available, to the Complainant and the Respondent, Informal Complaint resolution processes which may include, but are not limited to: mediation, behavioural guidelines or agreements, mandatory training from a qualified person or organization in respectful behaviour, apologies or other measures agreed to between the parties and the Head of College or their designate. Translation services will be provided when needed.

Allegations may be resolved without resort to a formal complaint process. The College will provide the assistance of qualified individuals with appropriate training (such as the College Nurse, Dean of Students) to assist the parties in resolving the conflict informally, confidentially, and expeditiously. These approaches will be conducted with the agreement of both the Complainant and the Respondent. If needed, the Investigator may appoint an external mediator with expertise in alternative dispute resolution; this may include expertise in restorative “justice” approaches to reconciliation to assist in resolving the Complaint.

The goal in all cases is to re-establish a respectful relationship and safe environment.

Informal resolutions will not be attempted in circumstances where it would be inappropriate such as where violence has been threatened and/or other criminal conduct and/or potentially criminal conduct has been alleged. In such cases the Head of College or their designate is obliged to report to the RCMP.

5.2.2 Formal Complaint Resolution

If a Complaint is not resolved informally, or if the Complainant so chooses, a Formal Complaint must be made through the Head of College or their designate. Formal Complaints must be made in writing. The Head of College or their designate will ensure that support in completing a written complaint is provided though such support does not include assistance in writing the complaint itself.

An Investigator shall be assigned to conduct the investigation of a Formal Complaint, through an impartial, fact-finding process. The investigator does not advocate, nor represent, any party involved in a complaint.

Formal Complaint investigations cannot be carried out anonymously. The identity of the Complainant and the allegations contained in the complaint shall be made known to the Respondent(s) – i.e. the individual(s) alleged to have engaged in harassment, bullying and/or discrimination. The Respondent shall be provided a full and fair opportunity to respond to the allegations contained in the Formal Complaint. Likewise, the Complainant shall be provided with the response and shall have an opportunity to reply.

At any time during the investigation, the matter may be resolved, so long as the resolution is agreed to the mutual satisfaction of each of the parties and the Head of College or their designate.

Once the Formal Complaint investigation is complete, the Complainant, Respondent and the Head of College or their designate shall be notified of the findings of the investigation.

Where violence has been threatened, and/or other criminal conduct and/or potentially criminal conduct has been alleged, the Head of College or their designate, is obliged to report to the RCMP.

5.2.3 Investigator's Responsibilities

The Investigator should ensure that the Complaint is addressed 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 – either a Formal or Informal Complaint Resolution Process – has been selected, the investigator will:

- a) 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.
- b) Provide to both the Complainant and the Respondent a copy of this Policy.

- c) Inform the Respondent that a complaint has been made. In the case of a Formal Complaint the identity of the Complainant will be made known to the Respondent once the safety and well-being of the Complainant has been secured.
- d) Explain to the Complainant and the Respondent the Policy regarding harassment, bullying and/or discrimination complaints and the fact that the College has the responsibility to investigate and act on all complaints.
- e) Ensure that all Complaints are treated as strictly confidential and, in respect for due process of the investigation and the privacy of the individuals involved, that no information is divulged to unauthorized persons by the Investigator and all parties involved.
- f) Explain that when the Head of College or their designate has reasonable grounds to believe a member of the College community has committed a criminal act, the Head of College or their designate is obliged to report that matter to the Chair of the College's Board of Directors and the RCMP.
- g) Inform the Complainant and Respondent that each person may have a member of the community with them through all stages of the Complaint procedure with the exception that any individual who may be a witness in the investigation can accompany neither the Respondent nor the Complainant in meetings with the Investigator; any witness will undergo a separate interview with the Investigator.

Witnesses who are interviewed as part of the investigation may also be accompanied by a support person, provided that the support person is not also a witness in the investigation.
- h) Outline to the Respondent the planned course of action, allowing this person an opportunity to respond.
- i) Inform the Head of College if, during the investigation, the Investigator learns that violence has been threatened and/or other criminal conduct and/or potentially criminal conduct has been alleged. The Head of College or their designate will report to the RCMP.
- j) Confer with the Head of College should the implementation of recommendations be required at any point during the investigation.
- k) Ensure that the Head of College is informed of the course of the investigation as it progresses.
- l) Inform the Head of College, the Complainant and the Respondent of the conclusions reached by the investigation.
- m) Ensure appropriate records are filed with the Head of College and the Vice-President Operations and Administration.

These records will 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;
 - e. Resolution of the situation
- n) A record of the resolution **only** will be placed in the appropriate personnel or student files – regarding cases involving adults (employees, campus residents, volunteers) or students, respectively.

6. Consequences

Should, after investigation, a finding of engaging in harassment, bullying and/or discrimination or retaliation be substantiated and all attempts to resolve the situation are unsuccessful, disciplinary action may be enacted up to and including dismissal from Pearson College UWC. Repeated instances will be considered as one of the factors in determining the appropriate level of disciplinary action. Disrespectful behaviour does not need to be intentional although intention may be relevant in assessing the severity of the behaviour.

7. Withdrawal of a Complaint

If the Complainant decides to withdraw the Complaint, the Investigator should:

- a) Require the withdrawal in writing;
- b) Determine the reasons for the withdrawal of the Complaint;
- c) Ensure the College has had an opportunity to obtain legal advice regarding vicarious liability;
- d) Inform the Respondent that the Complaint has been withdrawn and of future actions which the College will take, if any;
- e) Document the reasons for withdrawal and resulting actions; and
- f) Ensure appropriate records are filed with the Head of College and Vice-President Operations and Administration.

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

8. False or Malicious Complaints

If a Complaint is found to be false or brought for malicious purposes, the College may take disciplinary measures against the Complainant, up to and including dismissal from the College. However, a Complaint that is found to be unsubstantiated or based on a mistake may not be considered false or malicious.

9. Reporting

With assistance from the Vice-President of Operations and Administration and the Vice-President Education and Programming, the Head of College will report any incidents as they occur to the relevant Committees of the College Board of Directors such as the Executive Committee, the Human Resources Committee, the Risk Committee and the Education and Programming Committee. At the end of each fiscal year, ending June 30, the Head of College and the relevant Committees will issue a report indicating if any Complaints were filed under this procedure during that same academic year, ending in May. The report will record the number of Complaints filed, incidents which were investigated but which may not have been the subject of a Complaint(s) and the number of Complaints resolved during the academic year, but will not identify the Complainants, Respondents, or the details of the Complaints, which will remain confidential.

10. Confidentiality

Pearson College UWCV recognizes that privacy and the maintenance of dignity and control over personal information is particularly important to both those who have experienced harassment, bullying and/or discrimination and the alleged perpetrator.

The College will respect and maintain the confidentiality of all persons involved, recognizing that some information sharing may be necessary to address the concerns and ensure procedural fairness.

Confidentiality cannot be assured in the following circumstances:

- When an individual is at imminent risk of self-harm.
- When an individual is at imminent risk of harming another.
- There are reasonable grounds to believe that others in the College or wider community may be at risk of harm.
- Where there is a legal duty to report, such as possible or actual criminal conduct.

Individuals making a complaint, Respondents, and witnesses are expected to maintain confidentiality. Personal information, including the identities of the Complainant(s) and Respondent(s), shall be protected in accordance with the *Personal Information Protection Act (Private Sector) (PIPA)* <https://www.oipc.bc.ca/about/legislation/>.

Information collected and retained by the College may be required to be released by law including release required in court proceedings, arbitration, or other legal proceedings.

11. Education and Training

This *Respectful Community Policy* will be circulated to all employees, volunteers, students, and other campus residents at the beginning of each academic year. All new employees, volunteers, students, and other campus residents will be required to sign this Policy as a demonstration of their understanding of and commitment to the spirit and letter of its provisions.

All employees, volunteers, students, and other campus residents will participate in mandatory training at the beginning of each academic year, delivered by a qualified trainer, according to their roles and responsibilities within the College and under this Policy. The Policy will be provided to all new members of the community on arrival; they will be included in training as it occurs during the year.

Pearson College UWC students will attend mandatory Respect and Consent awareness and training events near the beginning of every academic year and at least one more time during the academic year.

In light of diverse social and cultural standards and norms, behaviour that is acceptable to some may be unacceptable to others. Therefore, in addition to training programs, regular dialogue about respect and consent is essential. This approach will ensure that the College is able to maintain and achieve the highest degree of expectation for a respectful community and of this Policy.

- Training will address the meaning and impact of harassment, bullying and discrimination to assess whether conduct constitutes harassment, bullying, discrimination, unconscious bias, differences in cultural understanding of harassment, bullying and/or discrimination; the Canadian context of this Policy
- recognition of differences in learning capabilities; and bystander intervention.

Training will also address how to approach a harasser, confidentiality issues, disclosure and reporting obligations, record keeping, incident protocols when responding to a Complaint from a student or adult member of the College community. It will also address the need to establish appropriate boundaries with students, clarifying parameters of appropriate student interactions, and adopting culturally sensitive and risk-reducing personal practices.

When required, employees who have responsibility under the Policy for investigation and facilitating the resolution (informal and formal) of complaints will receive separate training to develop investigation, mediation and reconciliation skills.

Training will be provided to implement appropriate record keeping relating to informal and formal resolutions of complaints.

Training programs will be evaluated annually and updated and refined to ensure understanding of the Policy and the overall effectiveness of the training program.

All employees, volunteers, students and other campus residents will sign acknowledgement of receiving training after each instance; training will ensure that participants have full opportunity for dialogue and the signing will

include acknowledgement of this opportunity as well as the Date, Purpose and Agenda of the training. The record of this acknowledgement will be kept in the appropriate personnel or student files –adults (employees, campus residents, volunteers) or students, respectively.

I hereby confirm that I have read and understood the *Respectful Community Policy*; and I confirm my full commitment to upholding this Policy.

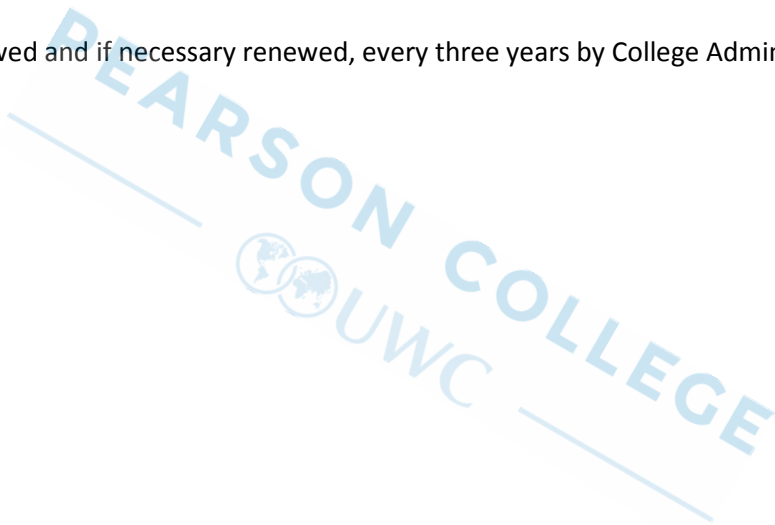
Signature: Employee, Volunteer, Resident, Student

Date:

This Policy is available through Operations and Administration.

This Policy will be reviewed and if necessary renewed, every three years by College Administration and the Board of Directors.

Est. April 19, 1996
Rev. 30 January 2014
Reviewed January 2015
Revised. June 2017



APPENDIX 1 - Definition of Sexual Harassment

Sexual Harassment is also a form of sexual violence where the behaviour is i) non-consensual and ii) sexual or related to a person's sex. Whereas sexual assault is a crime prosecuted under the Criminal Code of Canada, sexual harassment is a civil offense coming under different legislation at the provincial and federal level.

Sexual Harassment is any unwelcome conduct of a sexual nature that detrimentally affects an individual's learning, living, or work environment or leads to adverse consequences for the individual.

Sexual Harassment can be any form of behaviour of a sexual nature that is non-consensual and could reasonably be considered objectionable or offensive. Sexual harassment includes leering, peeping, displaying unwelcome gestures of affection, spreading sexual rumours about an individual, intrusive questioning about a person's sexual life or preferences, invading personal space, making inappropriate comments about a person's body or appearance, or remarks about a person's body generally, bragging about sexual prowess, openly discussing sexual tastes, kinks, or habits, telling crude sexual jokes, and displaying graphic sexual materials. Harassment can include sexual advances, lewd or offensive language and gestures and display of sexually offensive images where:

- submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational progress; or
- submission to or rejection of such conduct is used as a basis for employment or educational decisions; or such conduct has the purpose or effect of interfering with work or educational performance; or
- such conduct creates an intimidating, hostile, or offensive working, living, or educational environment.

APPENDIX 2 – Examples of Respectful Behaviour

Respectful community members:

- respect and value the contributions of all members of our community, regardless of status or role in the organization
- treat others with respect, civility, and courtesy
- work honestly, effectively, and collegially with one another
- respond promptly, courteously, and appropriately to requests from others for assistance or information
- use conflict management skills, together with respectful and courteous verbal communication, to effectively manage disagreements
- encourage and support others in developing their individual conflict management skills and talents
- have an open and cooperative approach in dealings with others, recognizing and embracing individual differences
- abide by applicable rules, regulations, policies, and bylaws, and address any dissatisfaction with—or violation of—policies and procedures through appropriate channels
- demonstrate commitment to continuous personal and professional learning and development
- demonstrate commitment to a culture of cooperation and collaboration and use best practices to achieve high quality working, living, and learning outcomes
- model civility for others and clearly define expectations for the treatment of one other, and are responsive to complaints when they are brought forward