



university of victoria
students' society

Anti-harassment Policy

Amended April 7, 2014

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PART 1: DIRECTORS & EXCLUDED EMPLOYEES

Policy Statement

The University of Victoria Students' Society (UVSS) is committed to fostering a harassment-free workplace where all directors and excluded employees are treated with respect and dignity.

The *Canadian Human Rights Act* protects individuals from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Harassment at the UVSS is not tolerated. Individuals who are found to have harassed another individual may be subject to disciplinary action. This includes any individual who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

Application

This policy applies to all directors and excluded employees of the UVSS.

This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

Definitions

Harassment is:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone; or
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Sexual harassment is:

- offensive or humiliating behaviour that is related to a person's sex;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Responsibilities and Expectations

The University of Victoria Students' Society is responsible for:

- providing all directors and excluded employees a harassment-free workplace.

The Board of Directors is responsible for:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- determining whether or not allegations of harassment are substantiated; and
- determining what corrective action is appropriate where a harassment complaint has been substantiated.

The Board of Directors is responsible for:

- the administration of this policy;
- reviewing this policy annually, or as required; and
- making necessary adjustments to ensure that this policy meets the needs of the organization.

The Board of Directors is responsible for:

- fostering a harassment-free work environment and setting an example about appropriate workplace behaviour;
- communicating the process for investigating and resolving harassment complaints made by directors and excluded employees;
- dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ensuring harassment situations are dealt with in a sensitive and confidential manner.

Directors and excluded employees are responsible for:

- treating others with respect in the workplace;
- reporting harassment to Campus Security
- cooperating with a harassment investigation and respecting the confidentiality related to the investigation process;

Directors and excluded employees can expect:

- to be treated with respect in the workplace;
- that reported harassment will be dealt with in a timely, confidential and effective manner;
- to have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

Procedures for Addressing a Harassment Complaint

Filing a Complaint

A director or excluded employee may file a harassment complaint by contacting Campus Security. The complaint may be verbal or in writing. If the complaint is made verbally, Campus Security will record the details provided by the director or excluded employee.

The director or excluded employee should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the director or excluded employee from doing so.

Campus Security may choose to tell the person that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against him or her.

Every effort will be made to resolve harassment complaints within 30 days. Campus Security will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact the UVSS Personnel Committee.

Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience and who is a neutral third party with no perceived connection to the UVSS.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to the Board of Directors. Both parties to the complaint will be given a copy.

Substantiated Complaint

If a harassment complaint is substantiated, the Board of Directors will decide what action is appropriate.

Remedies for the director or excluded employee who was harassed may include: an oral or written apology; compensation for lost wages; compensation for any lost employment benefits such as sick leave; and compensation for hurt feelings.

Corrective action for the individual found to have engaged in harassment may include: a reprimand; a suspension; a transfer; a demotion; and/or dismissal.

Both parties to the complaint will be advised, in writing, of the decision.

Other Redress

An director or excluded employee who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission.

Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

The Board of Directors and all individuals involved in the harassment complaint process, will comply with all requirements of applicable privacy laws to protect personal information.

Review

The Board of Directors will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made to the UVSS Research and Communications Coordinator.

PART 2: CLUBS & COURSE UNIONS

1. Discipline

a. Actions

Clubs and course unions having been found to violate this policy may be disciplined by the Board of Directors as follows*:

- a. An order to cease the violation and to refrain from committing the same or similar violation again.
- b. Public censure.
- c. Freezing of accounts, denial of funding or withdrawal of unspent funds for no more than one year.
- d. Withdrawal of room or AV booking privileges for no more than one year.
- e. Withdrawal of postering and bannering privileges for no more than one year.
- f. Withdrawal of status for no more than one year.
- g. Other actions that the Board of Directors finds appropriate.

b. Reinstatement

Where status has been withdrawn, after the expiry of the period of withdrawal the disciplined club or course union may re-apply for status.

****The Board can only approve these actions if the complaints process has concluded.***

Amended BOD 2013/03/11

2. Harassment

1. Purpose

The purpose of Anti-harassment Policy Part 2 is as follows:

- a. To prevent behaviour by clubs or course unions that has the effect or purpose of creating a hostile, intimidating, threatening, or humiliating environment;
- b. To support ideological diversity;
- c. To promote an environment within which all members of the University Community can fully participate in respectful debate and the sharing of ideas;
- d. To create a campus environment that is free of discrimination and harassment.

Further to Anti-harassment Policy Part 2, as members of the University Community and as agreed to under the terms of the UVSS' lease agreement with

UVic for the Student Union Building, UVic's Discrimination and Harassment Policy will apply.

2. Definitions

Clubs and course unions shall not engage in harassment. Harassment is defined as the abusive, unfair, or demeaning treatment of a person or group of persons that has the effect or purpose of unreasonably creating a hostile, intimidating, threatening, or humiliating environment. It is not necessary for the club, course union, or their individual representatives to intend for the conduct to produce feelings of fear or intimidation, only that they reasonably ought to have known that the conduct would cause such feelings.

Further to these definitions, the following is also identified as constituting harassment:

- a. Abuses of the power that one holds over another or the misuse of authority;
- b. Behaviour that discriminates against a person or group of persons on the basis of race, colour, ancestry, place of origin, nationality, religion, family or marital status, physical or mental disability, age, sex, sexuality, gender, gender identity, or conviction for a criminal charge;
- c. Attempting to proselytise members during meetings or other organised functions of clubs and course unions;
- d. Communicating with another person or group of persons by verbal, electronic, telephonic, written or visual means in a manner that harasses.

Amended BOD 2010/04/21

Amended BOD 2010/06/07

Amended BOD 2014/04/07

3. Complaints

1. Definitions

Adjudication Panel shall refer to the independent body that reviews an appeal of a decision of the Board of Directors.

Complainant shall refer to any single member of the UVSS or group of members of the UVSS who submit a single complaint.

Respondent shall refer to a club or course union against which a minor or major complaint has been filed.

Incident shall refer to an action taken by a club or course union that incited complaints.

4. Complaints Process

a. General

The process for reviewing and adjudicating complaints against a club or course union shall proceed as follows:

1. Complainant(s) who wish to file a complaint against a club or course union must present their complaint to the Director of Student Affairs.

2. If a complainant wants to file a complaint against a club or course union, but does not seek a consequence other than notifying that club or course union of the complaint, they may file a Minor Complaint.
3. If a complainant wants to file a complaint against a club or course union, and does seek a consequence beyond notifying that club or course union, they may file a Major Complaint.
4. If a minor complaint and a major complaint are filed by different complainants with regards to the same incident, the different type of complaints (ie. Minor and Major) cannot be used as supporting documentation in each individual case.
5. A complainant may not file both a minor complaint and a major complaint against a club or course union for the same incident.
6. At the conclusion of the major complaint process, Complaints Committee shall submit a recommendation to the Board of Directors at an in camera session of the Board.
7. Upon receiving a recommendation from Complaints Committee, the Board may choose to take disciplinary action.
8. The complaints process and identity of all parties who participate in the process shall be kept private and confidential.

b. Minor Complaint Process

1. If a minor complaint is filed, the Director of Student Affairs shall compose a letter of notification addressed to the offending club or course union which outlines:
 - a. That a minor complaint has been filed against them.
 - b. Which action of the club or course union caused the complaint to be filed.
 - c. If applicable, the number of minor complaints received with regards to the offending action.
2. The Director of Student Affairs shall notify the Board in camera a complaint(s) has been filed. Upon the request of the Board the Director of Student Affairs shall present the complaint(s) to the Board.
3. Once the Board has approved the letter of notification, the Director of Student Affairs must take the following actions:
 - a. Notify the club or course union that a complaint was filed against them and give them the letter of notification.
 - b. Make a copy of the letter and put it in the file of that club or course union.
 - c. Notify the complainant that the club or course union received the letter of notification.

- d. Notify the club or course union that they may send a response to the notification letter to the Board and that this response may be put on file if they so choose.

c. Major Complaint Process

- a. In the Event of a Major Complaint, the Director of Student Affairs shall strike a Complaints Committee – an ad hoc, closed committee of the UVSS Board with closed membership.
- b. The Complaints Committee shall hear any complaints and investigate the allegations against a given club or course union and make recommendations to the Board of Directors.
- c. Clubs, course unions, or their individual representatives against whom complaints are brought shall be considered innocent until the allegations made in the complaint have been shown to:
 - i. be factually accurate; and
 - ii. meet sufficient criteria to be classified as harassment.
- d. The burden of proof shall not be placed on the accused, but rather on the complainant and/or the body investigating the complaint.
- g. Complainants and respondents must provide a written submission to the Complaints Committee. Written submissions must be provided to the Board when the committee provides its recommendation.
- h. The Complaints Committee shall encourage complainants and respondents to meet with the committee as a whole. If a complainant or respondent does not wish to meet with the committee as a whole, they may meet with the three voting members of the Complaint Committee instead.
- i. In meetings with the Complaints Committee or with the three voting members of the Complaints Committee, the complainant and respondent shall be represented by no more than three (3) representatives at one time.
- j. If more than ten complaints are filed about a single incident, in-person investigations can be replaced by email correspondence.
- j. The Board of Directors is the only body that has the authority to take disciplinary actions following a recommendation from

Complaints Committee.

- k. The Director of Student Affairs will notify complainants and respondents of all decisions made by the Board of Directors. Notification shall be given immediately following the Board meeting where Complaints Committee provides its recommendation.

Amended BOD 2010/04/21
Amended BOD 2011/06/27
Amended BOD 2013/03/11

5. Appeals

1. Process

- a. A club or course union may appeal a decision of the Board of Directors to the Adjudication Panel.
- b. The Adjudication Panel shall be comprised of three [3] persons:
 - i. One person ratified by the Board of Directors by a two-thirds [2/3] vote.
 - ii. One person chosen by the respondent.
 - iii. One person who is the chair of the panel and who must be mutually agreed upon by the Board of Directors and the respondent.
- c. The Adjudication Panel shall have the power to determine its own process.
- d. The Adjudication Panel shall make decisions by majority vote.
- e. The Adjudication Panel shall have the power to:
 - i) uphold the decision of the Board of Directors; or
 - ii) dismiss the decision of the Board of Directors and send the decision back to the Board of Directors with directions to implement a decision consistent with the findings of the Adjudication Panel.
- f. The decision of the Adjudication Panel is final.

Adopted BOD 2002/08/08
Amended BOD 2006/04/04
Amended BOD 2007/10/01
Amended BOD 2008/01/28
Amended BOD 2011/02/28
Amended BOD 2013/03/11
Amended BOD 2014/04/07