

# Harassment Policy

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## 1. Policy Statement

Upon joining Canadian Baptist Seminary, (the “Seminary”) students, faculty, staff and administrators alike agree to abide by the responsibilities of community membership. As a partner in the Associated Canadian Theological Schools Consortium (“ACTS Seminaries”) the Seminary insists that its members follow biblical principles of lifestyle and conduct and refrain from biblically prohibited practices. The Trinity Western University Responsibilities of Membership Statement (Community Standards) has been adopted by Canadian Baptist Seminary as its Statement of Community Covenant.

The Seminary is committed to providing a community in which all individuals are treated with respect and dignity, free from harassment. The Seminary considers harassment a serious offence and will not tolerate harassing behaviour that may undermine the respect, dignity, self-esteem, or productivity of any student, faculty, staff or administrative member. Achieving a community free from harassment greatly depends on mutual respect, co-operation and understanding among students, faculty, staff, and administration.

The Seminary encourages students, faculty, staff, and administration to come forward with complaints. Unless complaints are reported and resolved, it is very difficult for the Seminary to maintain a harassment free community.

## 2. Purposes

The purposes of this Policy are:

- a. to promote a community in which all students, faculty, staff, and administration are treated with respect and dignity and work/study free from harassment;
- b. to illustrate and clarify the types of behaviour that may be considered harassment;
- c. to outline the roles and responsibilities of the Seminary, its administration, faculty, staff and students in fostering a community free from harassment;
- d. to establish guidelines for dealing with harassment complaints in an effective and timely manner; and,
- e. to establish a procedure for informal and formal review and resolution (as specified in the separate document Harassment Policy Procedures).

It is normally desirable, if possible, to resolve complaints of harassment internally. However, the procedures set out in this Policy and the associated Harassment Policy Procedures document, do not preclude a person from exercising any other available legal rights.

This Policy is not intended to constrain ordinary social or personal interaction between and among students, faculty, staff, and administration. This Policy has been adopted to expressly communicate that harassment (as defined in section 8) will not be tolerated in the Seminary community.

For the purposes of this Policy, the following roles are defined as:

*Complainant* – refers to the individual who has filed a complaint alleging harassment/discrimination has occurred under this policy.

*Respondent* – refers to the individual (or group of individuals) who is alleged to have harassed or discriminated against the complainant.

*Investigator* – refers to an individual named to investigate formal complaints of harassment/discrimination.

*Informant* – refers to an individual who agrees to provide information about a complaint.

*Workplace* – all locations, during or outside working hours, where the business of the Employer is conducted or where the reason for meeting is within the course of the employment relationship.

*Employees* – include all staff, management, volunteers, contractors and board members of Canadian Baptist Seminary.

*Students* – include only the students registered under Canadian Baptist Seminary.

### **3. Seriousness**

All complaints of harassment will be taken seriously and will be addressed in a confidential, impartial and timely manner.

If [the complaint goes through the formal process] and the investigation reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately considering such factors as the severity of the harassment, whether such was intentional or unintentional, whether the incident is an isolated one, and any mitigating circumstances. Students, faculty, staff, and administration violating this Policy may be subject to a range of disciplinary sanctions. This may include, but is not limited to, a letter of reprimand, revocation of privileges, suspension, expulsion or termination of employment for cause. The incident will be documented in the Respondent's file. No documentation will be placed in the file of the Complainant where the complaint was filed in good faith, whether the complaint is upheld or not. No documentation will be placed in the file of the Respondent if the complaint is not upheld.

## 4. Retaliation

Retaliation includes actions or comments that trivialize the complaint or the person making the complaint. It also includes criticisms of the Complainant, the Respondent, or the Informant.

To be more specific, retaliation includes, but is not limited to:

- ◆ the Respondent<sup>1</sup>/Complainant confronting the Complainant/Respondent or Informant inappropriately about the complaint;
- ◆ the Respondent/Complainant initiating conversations about the Complainant/Respondent, the Informant, or the complaint with other students, faculty, staff, and administration in a negative way; or
- ◆ in a case where the Respondent is in a position of power over the Complainant or the Informant or vice versa, the Respondent/Complainant making educational or employment decisions that could reasonably be seen to be retaliatory or accusing the Complainant/Respondent or Informant of being disloyal.

Retaliation will not be tolerated. For the purposes of this Policy, retaliation will be treated as harassment and will be dealt with in accordance with this Policy when it is experienced and reported by any given individual who has:

- ◆ invoked this Policy (whether on behalf of one's self or another individual); or participated in or co-operated in any investigation under this Policy; or
- ◆ been associated with a person who has invoked this Policy or has participated in its procedures.

## 5. Malicious Complaints

Where, as a result of investigation, it is determined that a student, faculty, staff, or administrative member has made a complaint in bad faith or with the intent to harm another, the Seminary may take formal disciplinary action against that Complainant. Malicious complaints will not be tolerated.

## 6. Confidentiality

Every effort will be made to keep complaints confidential. However, ultimate responsibility for determining the resolution of a complaint lies with the Seminary, and where there is any risk to other students, faculty, staff, or administration, disclosure will

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<sup>1</sup> A Respondent is not necessarily:

- ◆ a person in a superior position;
- ◆ a member of the opposite sex; or
- ◆ aware that his/her behaviour is considered unwelcome.

be made to the extent necessary to remedy the situation. Furthermore, disclosure may be made to appropriate authorities where required by law.

Initially, a Complainant may choose to discuss their concern with a designated and publically posted “Harassment Policy Contact Person” without giving the name of the potential Respondent. The anonymity of both the Complainant and the Respondent must be respected until the Complainant or the Seminary chooses a resolution process that requires identification. The Seminary retains the right to initiate and conclude investigations it deems necessary.

A breach of confidentiality will be considered a breach of this Policy and will be subject to disciplinary action. Such a breach may be considered to be a form of harassment or a form of retaliatory conduct and will be dealt with as set out in Section 4

## **7. Application of the Policy**

### **7.1 Who is covered by this Policy?**

This Policy applies to all students, faculty, staff, volunteers, and administration attending, assisting or working for the Seminary, regardless of seniority or position. It also applies to all individuals with whom the Seminary conducts business, either internally or externally (e.g. ACTS Seminaries, local churches and other ministry agencies).

The Seminary recognizes that its students, faculty, staff, volunteers and administration may be subject to harassment by those with whom the Seminary conducts business. In these circumstances, the Seminary acknowledges its responsibility to support and assist any person subjected to such inappropriate behaviour.

### **7.2 Where does this Policy apply?**

The Policy is not restricted to the Seminary’s campus and educational activities. It applies where there is a sufficient relationship between the functioning of the Seminary as an institution and the conduct or comment about which a complaint is made. It applies to all activities and events related to or in association with the Seminary at:

- ◆ any location where Seminary classes or business activities are being carried out (e.g., offices, classrooms, grounds, cafeterias, meeting rooms and parking lots);
- ◆ other locations and situations (e.g., Seminary related travel, seminars, field trips, conferences, employee parties, after hour get-togethers, etc.) where the prohibited behaviour has or may be reasonably viewed as having a

subsequent impact on the educational/work relationships, environment, or performance.

The Policy does NOT apply to non-Seminary-related interactions or events such as encounters between Seminary employees in a social, church or community setting. Nor would it apply to activities planned by social, church, or community groups in which Seminary employees are involved separate from their Seminary responsibilities.

## 8. Definitions

### 8.1 What is harassment?

Harassment must be defined within the context of Canadian Baptist Seminary as a distinctive evangelical Christian Seminary. Canadian Baptist Seminary recognizes the jurisdiction of the BC Human Rights Code (the “*Code*”) and, given the religious and educational nature of Canadian Baptist Seminary, section 41 of this Code is applicable. Section 41 states:

*"If a charitable, philanthropic, educational, fraternal, religious or social organization or corporation that is not operated for profit has as a primary purpose the promotion of interests and welfare of an identifiable group or class of persons characterized by a physical or mental disability or by a common race, religion, age, sex, marital status, political belief, colour, ancestry, or place of origin, that organization or group must not be considered to be contravening this Code because it is granting a preference to members of the identifiable group or class of persons."*

Thus, section 41, in addition to the common law principles governing religious freedom and freedom of expression, establishes an important foundation for an institution such as Canadian Baptist Seminary in maintaining its unique perspective, spiritual and academic goals, and enforcement of its Responsibilities of Membership Statement (i.e. Statement of Community Covenant). The key principle at all times is to honor the upholding of a person's dignity within the parameters of the campus Christian community.

Within these provisions then, harassment is defined by this Policy as conduct or comment, which ought reasonably to be known to be objectionable or unwelcome, and serves no legitimate work or education related purpose and which:

- detrimentally affects people within the work or educational environment;  
or
- has adverse job or education-related consequence, such as reduced job security or a negative impact on a student's or employee's advancement.

Harassment is further defined as, but not limited to, one or a series of incidents involving comments or actions based on an individual's characteristics or personal attributes (as defined in Section 41<sup>2</sup> of the BC Human Rights Code) when: such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group (as defined in Section 13 of the BC Human Rights Code<sup>3</sup>);

- ◆ submission to such conduct is made either implicitly or explicitly a condition of employment or education;
- ◆ submission to or rejection of such conduct is used as a basis for any employment or education based decision including, but not limited to, matters of promotion, raise in salary, job security, grades, or benefits affecting the student, faculty, staff, or administrative member; or
- ◆ such conduct has the purpose or the effect of interfering with a person's work or educational performance or creating an intimidating, offensive, or poisoned environment (see definition in Section 8.3).

Harassment can take place between individuals of the same or different status; it can involve individuals or groups. Both men and women can be the subject of harassment by either gender. Physical and sexual assault, stalking or threats of violence directed towards a student, faculty, staff, or administrative member, his/her family and their possessions are criminal matters and should also be referred directly to the local police department.

Examples of harassment as a form of discrimination could include, but are not limited to, any of these actions:

- ◆ persistent derogatory or demeaning comments, jokes, slurs;
- ◆ derogatory or demeaning posters, pictures, cartoons, graffiti, drawings;
- ◆ innuendoes, taunting, bullying, belittling or ostracizing;
- ◆ undermining a person's dignity by causing embarrassment, humiliation, discomfort or offence;
- ◆ creating an intimidating, offensive, or poisoned environment (see Sect.8.3); and
- ◆ condescending, paternalistic, or patronizing behaviour which undermines self-esteem, diminishes performance, or adversely affects working or learning conditions.

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<sup>2</sup> Section 12 states that a person in an establishment shall not harass another person in the establishment because of the race, religion, religious creed, sex, sexual orientation, marital status, physical disability, mental disability, political opinion, colour or ethnic, national or social origin of that person.

<sup>3</sup> Section 13 (1) A person who is in a position to confer, grant or deny a benefit or advancement to another person shall not engage in sexual solicitation or make a sexual advance to that person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

Section 13 (2) A person who is in a position to confer or deny a benefit or advancement to another person shall not penalize, punish or threaten reprisal against that person for the rejection of a sexual solicitation or advance.

Harassment may occur during one incident or over a series of incidents. Some action may not be considered harassment unless repeated. Whether or not an individual intends to harass is not relevant.

Harassment does NOT include actions occasioned through exercising in good faith the employer's managerial/supervisory rights and responsibilities, or the good faith academic decisions of the faculty/staff/administrative member. As well it does not include criminal activities.

## **8.2 What is sexual harassment?**

Sexual harassment is a form of discrimination based upon gender. It includes comment or conduct of a sexual nature when any one or more of the following conditions exist:

- ◆ when such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group;
- ◆ when submission to such conduct is made a condition of employment or education, either implicitly or explicitly;
- ◆ when submission to or rejection of such conduct is used as a basis for any employment or education-related decision; or
- ◆ when such conduct or comment is intended, or has the effect of, interfering with a person's work or education performance or creating an intimidating, offensive or poisoned environment (see Section 8.3).

Examples of sexual harassment could include but are not limited to:

- ◆ unwelcome remarks, questions, jokes, innuendo or taunting about a person's body, gender and/or gender orientation, including sexist comments or sexual invitations;
- ◆ verbal abuse or threats of a sexual nature;
- ◆ leering, staring or making sexual gestures;
- ◆ display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings;
- ◆ unwanted physical contact such as touching, patting, pinching or hugging;
- ◆ intimidation, threats or actual physical assault of a sexual nature;
- ◆ persistent unwanted contact or attention after the end of a consensual relationship;

This definition of sexual harassment is not meant to inhibit interactions or relationships based on mutual consent or normal social contact between students, faculty, staff, and administration. All students, faculty, staff, and administration must ensure that any relationships they enter into are consistent with the Responsibilities of Membership Statement.

## **8.3 What is a "Poisoned Work Environment"?**



Harassment may also include conduct and comments which are not directed specifically at an individual but which nonetheless create a degrading, offensive or so-called “poisoned” work environment within a department or the Seminary as a whole.

Examples of harassment that may lead to a poisoned work environment could include, but are not limited to:

- ◆ displaying of materials or graffiti which are degrading or derogatory with respect to race, ethnic origin or religious belief;
- ◆ displaying materials or graffiti that is sexually explicit;
- ◆ making derogatory comments about a minority group, even though no member of that group is present;
- ◆ telling sexist or racist jokes to colleagues; or
- ◆ patronizing behaviour, language or terminology which reinforces stereotypes and undermines self-respect or adversely affects work or educational performance or working/learning conditions.

## **Harassment Policy Procedures**

These procedures are an appendix to the Canadian Baptist Seminary Harassment Policy and specify how the institution will respond to specific complaints. Terms used in these procedures are defined in the policy. Canadian’s Privacy Policy will guide how confidentiality is preserved in such matters.

### **3. Communication**

The administration of the Canadian Baptist Seminary will ensure that the Harassment Policy and its procedures are published as an appendix to the Faculty and Staff Employee Manuals. From time to time these issues will be reviewed with employees to make sure that employees know what the procedures are and understand what remedies they might seek. The Seminary will also coordinate with the ACTS Seminaries Director of Student Life or appropriate administrator to ensure that students registered with the Seminary are also aware of the Harassment policy and procedures and know how to access this information easily.

### **4. What to do when Harassment occurs**

These procedures outline several steps that are available to Seminary employees or students who feel that they have been harassed by any other Seminary employee or student. They also have legal options available including the right to lay a complaint under the *British Columbia Human Rights Code* or under the *Criminal Code of Canada*.

### **5. Harassment Contact Officers**

The Seminary has two internal Harassment Contact officers and one external Harassment Contact officer:

1. Internal Contact Officers:
  - a. The President and/or Dean of the Seminary (currently Kevin Schular and Bernard Mukwavi – also the Harassment Supervisor)
  - b. Administrator (Currently Sarah Last)
2. External Contact Officer:
  - a. The Director of Student Life for ACTS

Individuals wanting to talk about a particular situation or make a complaint, may approach any of these Harassment Contact Officers. The officer will seek to advise the person about the procedures for making a complaint and will support the complainant in working through the process. The Harassment Contact Officer will keep all matters confidential except as provided for in the procedures.

## 7. Resolution Options – Stage One

You may decide to tell the person responsible that his/her behaviour is not appropriate and request that it stop. Although this is difficult, in many situations it is the most effective method of eliminating the problem. In this informal stage no written records will be kept. If this is not successful or if the complainant is not comfortable taking that initiative, he/she may approach a contact person for assistance. Our Seminary Harassment Contact Officers are the Seminary Dean, the ACTS Executive Director or the ACTS Director of Student Life.

## 8. Resolution Options – Stage Two

The complainant may decide to file a formal complaint if:

- a. he/she chooses not to meet with the respondent informally;
- b. he/she met with the respondent and no agreement for resolution of the complaint was reached;
- c. an agreement for resolution was breached by the respondent.

An individual wishing to make a formal complaint must do so in writing and submit it to the President and/or Dean of the Seminary within one year of the latest alleged incident. Complaints that exceed this time limit may be considered if they are registered in good time and in good faith and will not prejudice any person affected by the delay may still be accepted. Appended to the end of this policy you will find a complaint form that you may use.

The complaint will specify the details of the allegation including:

- a. names of the complainant and respondent;
- b. a detailed description of the alleged harassment (dates, times, locations, witness ) if available;
- c. the specific remedy sought by the complainant.

If the President of the Seminary is the complainant or the respondent, the complaint will be directed to the Chair of the Seminary's Board of Regents or the designated harassment officer of the Regents. The President or Chair will provide the respondent with a copy of the complaint and appoint an investigator. The investigator will complete the investigation within thirty (30) working days or at a later date mutually agreed to by both parties and submit a report in writing to the President of the Seminary or Chair of the Board. The Employer will take appropriate action and inform both parties in writing of the resolution.

## 9. Disciplinary and Rehabilitative Actions

Disciplinary and rehabilitative action resulting from an investigation may include one or more of the following:

1. A formal apology;
2. Counselling;
3. A change of work assignment of the accused person; and,
4. The suspension or discharge of the employee or student.

Spurious or false complaints are dealt with according to the same actions. In addition to the sanctions that may be imposed by the Seminary, employees of the Seminary who engage in harassment may expose themselves personally to damages in the event of a successful lawsuit or human rights hearing.

## 10. Record Keeping

An employee or student who believes he/she is being harassed should record all the details of the incident(s), including dates, times, location and possible witnesses. A record of incidents is not required to obtain assistance or to file a complaint. However, it may be useful in helping an employee/student remember details and could establish the basis of a harassment complaint.

If the complaint is resolved through informal action, no formal record of the names of the parties or the specifics of the complaint will be retained. No formal records will be retained after three years of the creation of the record.

If there is a finding of harassment, the outcome of the investigation and any disciplinary action will be recorded in the personnel file of the respondent.

All records will be maintained in the strictest confidence and kept in the office of the President of the Seminary. They shall not be used in any other proceeding affecting either the complainant or respondent unless properly part of a personnel file.

## 11. Appeals

If an employee is censured for an action, but desires to appeal the decision, the employee will follow the appeal procedures established in the appropriate section of the Canadian Baptist Seminary Faculty and Staff Employment Manual. If a student is censured for an action, but desires to appeal the decision, the student will consult with the President as to the appropriate process. If the President is the individual against whom the complaint was made, then the student will consult with the Academic Dean or the designated harassment officer on the Seminary's Board of Regents. Normally the appeal will be heard by a committee of the Board of Regents and its decision will be final.

If a complaint is dismissed, but the complainant desires to appeal the decision, the complainant has thirty working days (30) from the date of the investigator's written recommendation to make formal appeal in writing. The appeal will be addressed to the President of the Seminary. In the event that the President is the person against whom the complaint is being made, then the complainant will address the appeal to the Academic Dean of the Seminary or the designated Harassment officer of the Board of Regents.

## 12. The ACTS Context

In the event that a person involved with another seminary either as student or employee makes complaint against a Canadian student or employee, Canadian Baptist Seminary will cooperate with that respective seminary in the resolution of the matter. All avenues of the informal process should be pursued. In the event that the informal process fails, an outside investigator (not party to either Seminary) will be assigned as part of a formal process to work with respective seminaries to find resolution.

Should the Canadian Baptist Seminary student or employee be censured by the other Seminary for harassment, Canadian Baptist Seminary will apply the same kinds of discipline that normally it would follow if the complaint were made by one of its own students or employees. However, in such cases Canadian Baptist Seminary will take all necessary steps to ensure that the respondent's rights are being protected in any such action.

In the event that a Canadian Baptist Seminary student or employer considers it necessary to lodge a complaint against an employee or student from another ACTS Seminary, Canadian will follow its own procedures, but work cooperatively with the other Seminary in seeking resolution of the matter.

The investigator(s) has responsibility to conduct the formal investigation in a fair and timely manner respecting the confidentiality of the process. Once the investigation is complete, this person must submit a written report to the Seminary and as needed- to the ACTS Seminaries Executive Director. All conflicts of interest must be reported.

**APPENDIX A**

**CBS harassment complaint form**

Date of Complaint: \_\_\_\_\_

Complainant's name: \_\_\_\_\_

Complainant's title: \_\_\_\_\_

Basis of complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Summary of complaint: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Complainant's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Investigator: (print name) \_\_\_\_\_

Signature: \_\_\_\_\_

Date and time: \_\_\_\_\_

Note: This form is used only as part of the Formal Harassment Process.