

Harassment Policy

Mennonite Brethren Biblical Seminary – Associated Canadian Theological Schools

Table of Contents

1. Policy	Page 2
2. Purposes	Page 2
3. Seriousness	Page 3
4. Retaliation	Page 3
5. Malicious Complaints	Page 4
6. Confidentiality	Page 4
7. Application of the Policy	Page 4
7.1 Who is covered by this Policy?	Page 4
7.2 Where does this Policy apply?	Page 5
8. Definitions	Page 5
8.1 What is harassment?	Page 6
8.2 What is sexual harassment?	Page 7
8.3 What is a “Poisoned Work Environment”?	Page 8
8.4 How do you assess whether conduct constitutes harassment?	Page 8

Harassment Policy

1. Policy Statement

The Mennonite Brethren Biblical Seminary (MBBS) within the Associated Canadian Theological Schools (ACTS), hereafter known as 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.

The Seminary is a Christian community that encourages its members to follow biblical principles of lifestyle and conduct. These principles are the basis of our biblical learning community and make possible the creation of a living-learning environment conducive to the accomplishment of the Seminary’s mission “to inspire and equip men and women to live as disciples of Jesus Christ and to serve and to lead in the church and in the world.”

As a Christian community we will model and work with each other in ways that respect and encourage full acceptance of all persons, and the full exercise and development of our individual gifts and vocations. Achieving a community free from harassment depends on mutual respect, co-operation and understanding among students, faculty, staff, and administration. Attitudes and behaviour that undermine this goal are detrimental to all.

The Seminary encourages students, faculty, staff, and administration to bring concerns and complaints to the Harassment Policy Contact Officer. Unless complaints are reported and resolved, it is very difficult for the Seminary to maintain a harassment free community. All reports of harassment will be taken seriously, promptly investigated and addressed.

2. Purposes

The purposes of this Policy are:

- a. to promote and maintain a Christian biblical community in which all students, faculty, staff, and administration are treated with respect and dignity and are 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; and
- d. to establish guidelines for dealing with harassment complaints in an effective and timely manner, and 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 avenues.

Harassment Policy

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 will not be tolerated in the Seminary community.

3. Seriousness

All complaints of harassment will be taken seriously and will be addressed in a confidential, impartial and timely manner. It is imperative that all students, faculty, staff, and administration understand the seriousness of any violation of this Policy. Violation of this Policy will not be tolerated and may be a disciplinary offence.

If a formal 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, or termination of employment for cause.

4. Retaliation

Retaliation includes actions or comments that trivialize the complaint or the person making the complaint (the “Complainant”). It also includes criticisms of the Complainant, the person accused (the “Respondent”), or anyone providing information with respect to the complaint (the “Informant”).

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

- ◆ the Respondent¹/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/Complainant is in a position of power over the Complainant/Respondent or the Informant, 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:

¹ 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.

Harassment Policy

- ◆ invoked this Policy (whether on behalf of one's self or another individual); or
- ◆ participated in or cooperated 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 be made to the extent necessary to remedy the situation. Furthermore, disclosure may be made to appropriate authorities where required by law.

The Seminary shall not disclose to outside parties the name of the Complainant, the circumstances giving rise to the complaint, or the name of the Respondent, except where necessary for the purpose of investigating the complaint, taking disciplinary measures in relation thereto, or if required by law.

Initially, a Complainant should discuss their concern with the Harassment Policy Contact Officer 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 would 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, and administration attending 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.

Harassment Policy

The Seminary recognizes that its students, faculty, staff, 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 Trinity Western University campus and educational activities. It applies where there is a sufficient relationship between the conduct or comment, about which complaint is made, and the functioning of the Seminary as an institution. 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 chance 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 is defined within the context of MBBS-ACTS as a distinctive evangelical Christian Seminary. The Seminary recognizes the jurisdiction of the BC Human Rights Code (hereafter referred to as the “Code”) and, given the religious and educational nature of Mennonite Brethren Biblical 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."

Harassment Policy

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 Mennonite Brethren Biblical Seminary in maintaining its unique perspective, spiritual and academic goals, and enforcement of its Responsibilities of Membership Statement. Behavioral requirements and questions posed by Seminary officials of students, staff, faculty, or administration that relate to the Responsibilities of Membership Statement, when posed in an appropriate manner, do not constitute harassment. The key principle at all times is to honour 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 Sections 8 and 13 of the BC Human Rights Code² when:

² Section 8: Discrimination in accommodation, service and facility:

- (1) A person must not, without a bona fide and reasonable justification,
 - (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or
 - (b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the publicbecause of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex or sexual orientation of that person or class of persons.

Section 13: Discrimination in employment

- (1) A person must not
 - (a) refuse to employ or refuse to continue to employ a person, or
 - (b) discriminate against a person regarding employment or any term or condition of employment because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Harassment Policy

- ◆ such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group;
- ◆ 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.

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.

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

Harassment Policy

- ◆ when such conduct or comment is intended, or has the effect of, interfering with a persons' 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;
- ◆ sexual advances with actual or implied work or education-related consequences.

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.

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.

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 an area 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;
- ◆ clothing that is immodest or that contains sayings or symbols that offend others;
- ◆ 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

8.4 How do you assess whether conduct constitutes harassment

While this Policy's examples of harassment are not exhaustive, it has attempted to be definitive in the types of actions and behaviour that will not be permitted in the Seminary's community. In assessing whether conduct constitutes harassment, the Seminary will adopt the legal standard of the reasonable person; that is, "*what would the reasonable person think?*"

The question is not whether the alleged harasser intended to offend, but rather, what would be the effect of his/her conduct on the reasonable person. This test will take into account the broad Seminary community context. Overall, it must be also clearly understood that even though applicable legislation and case law may not determine the conduct about which the complaint is made to constitute harassment, Seminary policy may nevertheless apply.