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# MB SEMINARY HARASSMENT POLICY

## 1. Policy Statement

The Mennonite Brethren Biblical Seminary (MB Seminary) within the Associated Canadian Theological Schools (ACTS Seminaries), 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 that is 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 that is 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 Harassment Policy Procedures below).

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, do not preclude a person from exercising any other available legal avenues.

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 Respondent<sup>1</sup>/Complainant confronting the Complainant/Respondent or Informant inappropriately about the complaint;

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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

- 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:

- invoked this Policy (whether on behalf of oneself 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, because 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.

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- aware that his/her behaviour is considered unwelcome.

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.

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 MB Seminary-ACTS Seminaries 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 MB 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 MB 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 Code<sup>2</sup> when:

- 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;

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<sup>2</sup> 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 public because 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.

- 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 Section 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
- 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.

### **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.

# **MB SEMINARY HARASSMENT POLICY PROCEDURES**

## **1. Preamble**

Mennonite Brethren Biblical Seminary - ACTS (“the Seminary”) is committed to providing a workplace free from harassment for all employees and students. Harassment is contrary to biblical standards and is a form of discrimination prohibited by law: the Seminary does not tolerate such conduct. Harassment infringes on an employee’s or student’s right to a comfortable work and educational environment.

## **2. The Relationship Between Policy and Procedures**

These Procedures are an appendix to the Mennonite Brethren Biblical Seminary - ACTS Harassment Policy and describe how the institution will respond to specific complaints.

## **3. Communication**

The administration of MB Seminary will ensure that the Harassment Policy and its Procedures are published as an appendix to the MB Seminary ACTS Faculty and Staff Manual. 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 Director of Student Life (or corresponding position) to ensure that students registered with MB 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. Confidentiality**

In order to protect the privacy and reputation of all parties involved in a complaint, each person must hold all details of the complaint in confidence throughout all stages of the process. Only those people involved with the complaint will have access to specific information except when disclosure on a “need to know” basis is necessary. No record of a complaint will be placed on

the personnel file of an employee unless the remedies involve discipline. The MB Seminary Administrative Team will be advised on any complaints made against or by its faculty and staff and will be kept apprised of all proceedings.

Decisions about employment sanctions will be made by the Administrative Team.

## **6. Harassment Contact Officers**

MB Seminary has the following Harassment Policy Contact Officers:

1. For Complaints initiated by or directed toward students:
  - a. The Director of Student Life for ACTS (or corresponding position)
2. For complaints involving staff and faculty only:
  - a. The MB Seminary Academic Dean

Individuals wanting to talk about a particular situation or make a complaint, may approach these Harassment Policy 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 Policy Contact Officer will keep all matters confidential except as provided for in the Procedures.

## **7. Resolution Options – Stage One**

An individual may decide to tell the person responsible that his/her behavior 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 the appropriate Officer (listed above) for assistance. The assistance may involve advice on how to resolve the matter informally, or it may involve a mediated conversation between the Complainant and Respondent with the help of the appropriate Officer or designate.

## **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 appropriate Officer within three (3) months of the latest alleged incident. Complaints that exceed this time limit but are made in good faith and will not prejudice any person affected by the delay may still be accepted for up to one year. Appended to the end of this Policy is a complaint form that should be used to register a complaint.

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;

The Respondent has five (5) days in which to respond to the Complainant in writing.

If the Academic Dean of the Seminary is the Complainant or the Respondent, the complaint will be directed to the Academic Dean of ACTS.

The Academic Dean 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 Academic Dean of the Seminary.

The Employer will take appropriate action and inform both parties in writing of the finding and 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. counseling;
3. a change of work assignment of the accused person;
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, locations, 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 five (5) 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 Academic Dean 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.

The Academic Dean's office will maintain confidential records of complaints. Records will include the following information only: number of complaints, type of harassment, and the nature or process of resolution.

## **11. Appeals**

If a student is censured for an action, but desires to appeal the decision, the student will consult with The Director of Student Life for ACTS as to the appropriate process. Normally the appeal will be heard by a committee of MB Seminary established by the Administrative Team. Its decision will be final.

If an employee is censured for an action, but desires to appeal the decision, the employee will follow the appeal procedures established by MB Seminary. Normally the appeal will be heard by a committee of MB Seminary established by the Administrative Team. Its decision will be final.

If a complaint is dismissed, but the Complainant desires to appeal the decision, the Complainant has thirty (30) working days from the date of the investigator's written recommendation to make formal appeal in writing. The appeal will be addressed to the Academic Dean of the Seminary. If the Academic Dean is the person against whom the complaint is being made, then the Complainant will address the appeal to the Academic Dean of ACTS Seminaries, who will forward it to the MB Seminary Administrative Team.

## **12. The ACTS Context**

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

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

If a MB Seminary student or employee considers it necessary to lodge a complaint against an employee or student from another member seminary of ACTS Seminaries, MB Seminary will follow its own Procedures, but work cooperatively with the other seminary in seeking resolution of the matter.

## **13. Responsibilities**

Employees and students are responsible for treating fellow employees and students with respect. Any employee or student who believes that the actions or words of another employee or student constitute harassment has a responsibility to report as soon as possible to one of the Harassment Policy Contact Officers. In the event of a harassment Complaint, employees and students are expected to respect the confidentiality of the process and cooperate in achieving resolution.

The Seminary administration is responsible for:

- setting a clear example of appropriate workplace behaviour;
- being aware of workplace behaviour and actively monitoring it for signs of harassment;
- being knowledgeable of organizational procedures for reporting and investigating complaints of harassment;
- taking immediate action once a complaint of harassment has been brought forward;
- educating all employees and students about the Harassment Policy and Procedures, including their roles and responsibilities;
- receiving formal complaints and appointing an Investigator;
- taking disciplinary or other appropriate action when harassment has occurred, when a complaint is found to be vexatious or if anyone experiences retaliation.

The Investigator 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. All conflicts of interest must be reported.