

# **POLICY AND PROCEDURES FOR PREVENTION OF DISCRIMINATION AND HARASSMENT**

## **1. INTRODUCTION**

- 1.1. The University of King's College ("King's") is an institution of higher learning in the Humanities, Social Sciences and Journalism. Implied in that status is a concern for the dignity of its workplace, as well as a concern for the place of the University in society, the province, the nation and the world.
- 1.2. In relation to these concerns, the University considers the equality of persons within the King's community to be essential. Through the Policy and Procedures concerning Prevention of Discrimination and Harassment (the "Policy"), King's will strive to ensure that it offers a welcoming environment, with access to the opportunities and advantages of a King's education, and that it endeavours to maintain such an environment for its students, faculty, staff and visitors. King's recognizes that the presence of a diverse community enriches both the academic and professional lives within King's, while serving the wider community.

## **2. THE POLICY**

- 2.1. The Policy strives to:
  - (a) Ensure that there are no barriers to equality in the form of burdens, obligations or disadvantages arising from personal characteristics such as age; race; colour; religion; creed; ethnic, national or aboriginal origin; family status; marital status; sex; sexual orientation; physical or mental disability; an irrational fear of contracting an illness or disease; source of income; or political belief, affiliation or activity.
  - (b) Uphold King's ethical responsibilities as a university by ensuring that the full and free participation of all its members in university life is not undermined by discrimination or harassment.
  - (c) Educate about issues of discrimination and harassment.
  - (d) Provide for early resolution of concerns and, where that is not possible, for a fair, clear process to address them.
- 2.2. The Policy applies to all members of the King's community, including students, faculty, staff, administrators, residents, consultants, volunteers and others acting in a recognized capacity. It applies to incidents that occur in the course of work or study or events sponsored by King's and held on or off campus, including internships, retreats, social functions, conferences or training events.
- 2.3. This Policy is to be interpreted and administered in a way that is consistent with the principles of academic freedom. It is not to be applied in such a way as to detract from the right of faculty, staff and students to engage in the discussion of potentially controversial matters such as age, race, politics, religion, sex and sexual orientation, provided such discussion and instructional techniques are conducted in a mutually respectful and non-coercive manner.

- 2.4. Stalking and sexual assault, which includes coerced sexual relations, are offenses falling under the *Criminal Code of Canada*. Criminal behaviour does not fall within the scope of this Policy. Nevertheless, King's will make available support and advice to individuals who express concerns about stalking or sexual assault.

### 3. DEFINITIONS

- 3.1. In this Policy,

- (a) A "Complainant" is any person who seeks recourse under this Policy.
- (b) A "Respondent" is any person against whom a complaint has been made under this Policy. The nature of some discrimination, harassment and/or sexual harassment concerns is such that the Respondent may be the University itself. Where that is the case or where the President is personally named in a complaint, the President can designate the appropriate representative(s) to act as the Respondent.
- (c) A "complaint" is a concern regarding alleged incidents of discrimination or harassment brought to the attention of the Equity Officer. A complaint may take one of two forms: a verbal or informal allegation, or a written formal allegation.
- (d) The "Equity Officer" means the person appointed pursuant to this Policy.
- (e) "Discrimination" means a distinction, whether intentional or not, based on a characteristic that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.
- (f) "Harassment" means to engage in a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome. Harassment on any of the grounds in the *Nova Scotia Human Rights Act* is prohibited.
- (g) "Sexual harassment" is a form of harassment. It refers to unwelcome or inappropriate sexual attention or behaviour which adversely affects the working or learning environment. Sexual harassment may involve conduct or comments which are intentional or unintentional. It can occur between individuals of the same or different status, and both men and women can be subject to sexual harassment by members of either gender. Sexual harassment can occur in one incident or can take place over a series of incidents by an individual or group who knows or ought reasonably to know that such attention or comment is unwelcome. Sexual harassment includes, but is not limited to:
  - (i) Unwelcome sexual attention of an abusive or persistent nature;
  - (ii) Sexually-oriented behaviour or remarks when such conduct results in an intimidating, hostile or offensive environment in any university-related context;
  - (iii) A promise of an actual or implied benefit for agreeing to comply with a sexually-oriented request or demand;
  - (iv) A reprisal or threat of a reprisal for refusal to comply with a sexually-oriented request or demand;
  - (v) An implied or expressed denial of an opportunity as a result of refusal to comply with a sexually-oriented request or demand; or
  - (vi) Gender-based behaviour or remarks which create a hostile work or learning environment or which limits access to opportunities available to others.
- (h) The "Policy" means the Policy and Procedures concerning Prevention of Discrimination and

Harassment.

#### 4. BOARD EQUITY COMMITTEE

- 4.1. The Equity Committee (the “Board Equity Committee”) of the Board of Governors of King’s College (the “Board”) has the oversight of the implementation and administration of the Policy.
- 4.2. The Board Equity Committee will consist of:
  - Two members of the Board of Governors, appointed by the Board of Governors;
  - Three Student Representatives, appointed by the King’s Student Union (“KSU”). It is recommended that the Safety Officer of the KSU be one of the three Student Representatives;
  - Two Faculty Representatives, appointed by Faculty;
  - One Staff Representative, appointed by Staff;
  - The Equity Officer (non-voting);
  - The Accessibility Officer (non-voting); and,
  - Vice President (*ex officio*).
- 4.2.1 One member of the committee must be a lawyer licensed to practice in Nova Scotia. The Chair of the Board Equity Committee shall be one of the two Board members and the Chair will report at least annually to the Board of Governors, normally at the June meeting.
- 4.3. To ensure continuity, the terms of all voting representatives shall be staggered. When the Board Equity Committee is constituted, one Board member will be appointed for a two-year term and the other Board member for three years, after which both Board members will be appointed for three year terms. Student representatives will be appointed for one-year terms, renewable. One Faculty representative initially will be appointed for a three year term and the second for a two year term after which both Faculty members will be appointed for three year terms. The Staff representative will be appointed for a two year term.
- 4.4. The Board Equity Committee will meet at least twice during each academic year (i.e. the fall and winter terms). It will:
  - (a) Receive reports of the Equity Officer;
  - (b) Proactively promote best practices concerning minimizing and responding to complaints of discrimination and harassment within the university;
  - (c) Help facilitate and organize activities, including but not limited to campus events and academic presentations;
  - (d) Facilitate training for board, faculty, staff and students;
  - (e) Provide fair procedures for handling formal complaints in a timely manner.
- 4.5 One committee member will be assigned to ensure that information about the work of the Board Equity Committee and the policies it operates under is widely circulated among students, staff and faculty through such means as the academic calendar, the university website and other printed and online material as necessary;
- 4.6 Student representatives will ensure regular communication with the KSU for coordinating events, training

and information dissemination.

## 5. EQUITY OFFICER

- 5.1. Based on the recommendation of the President, the Board of Governors of the University of King's College will appoint an Equity Officer.
- 5.2. This person normally would be chosen from among the following university members: the Vice President, the Registrar, the Bursar, a member of Faculty, the Librarian, the Director of Athletics, the Director of Advancement, or the Dean of Residence. The President's recommendation will be arrived at after consultation with the various constituencies of the University, i.e. the administration, faculty, staff and students. The term of the appointment will be for three years. The Equity Officer will be a non-voting member of the Board Equity Committee overseeing this Policy and in all circumstances is to act as an impartial mediator.
- 5.3. The Equity Officer will:
  - (a) Provide information and be available for consultation to all members of the university community on questions concerning discrimination and harassment;
  - (b) Be available to discuss concerns and provide support and referrals in matters of discrimination and harassment;
  - (c) Act as an impartial advisor;
  - (d) Explain the Policy and procedures concerning complaints of discrimination and harassment and available options to the Board Equity Committee and other interested parties;
  - (e) Receive all complaints of discrimination and harassment;
  - (f) Initiate the procedures of this Policy, when appropriate;
  - (g) Serve as an investigator in informal procedures when appropriate;
  - (h) Maintain all information received in a confidential manner except as outlined in this Policy;
  - (i) Keep informed of current issues and literature pertaining to discrimination and harassment;
  - (j) Advise people of the importance of filing complaints expeditiously to help ensure fair and just conclusions to complaints;
  - (k) Act as liaison between the President and the Board Equity Committee;
  - (l) Ensure the Complainant(s) and Respondent(s) are informed of the status of the ongoing procedures;
  - (m) promote equality while maintaining the principle of academic freedom through continuing considerations of:
    - (i) Curriculum
      - A. Program curricula: the choice of text and material which critically analyze social constructs, and which address anti-racist and anti-discriminatory issues.
      - B. Library holdings: texts and materials which address anti-racist and anti-discriminatory issues.
    - (ii) Outside speakers or guest presenters: King's encourages the participation in its academic work of representatives of diverse groups.
    - (iii) Anti-racist and anti-discriminatory education for faculty, staff and students.
  - (n) Report to and perform such other functions and duties as the Board Equity Committee may reasonably request;

- (o) Prepare an annual report for the Board Equity Committee, which will include the number, nature, and disposition of concerns and complaints. No information identifying specific individuals will be disclosed in this report. The statistical portion of this report may be released.

## 6. RESPONSIBILITIES

### General

- 6.1 Each member of the University community, including students, staff, faculty, administrators and contractors, is responsible for helping to create an environment that is free of discrimination, harassment and sexual harassment.

### Supervisors

- 6.2 An individual in a supervisory position such as program director or administrative officer should attempt to prevent discrimination and harassment and to respond appropriately to any such concerns brought to his or her attention. The supervisor must inform those who bring concerns of the existence of this Policy and the role of the Equity Officer.
- 6.3 The supervisor may:
  - (a) Assist them to talk directly to the individual(s) who has created an issue with discrimination, harassment or sexual harassment or is in a position to readily correct it; and/or
  - (b) Speak directly to the other individual(s); and/or
  - (c) Consult with the Equity Officer; and/or
  - (d) Refer them to the Equity Officer.

Any action taken by the supervisor should be in consultation with those who have brought forward the concern(s) and shall respect confidentiality as set out in the Policy.

## 7. THE COMPLAINT AND RESOLUTION PROCESS

### 7.1. Advice and Consultation

Any member of the university community who believes he or she has been subject to discrimination or harassment (including sexual harassment) is encouraged to seek advice and assistance from the Equity Officer. The Equity Officer will discuss any concerns, review the Policy, and explain options available both within and outside King's. If the individual then chooses to take further action, he or she may follow the internal complaint and resolution process and/or an external process, as the individual chooses.

- 7.2 It is anticipated that most complaints of discrimination or harassment (including sexual harassment) can be resolved through this complaint and resolution process.

### 7.3 Initiating a Complaint

Complaints should be brought as soon as possible, and must be brought within one calendar year of the

events or circumstances giving rise to the concern with discrimination and/or harassment (including sexual harassment).

- 7.4 The proceedings at this level remain confidential, to the extent possible. No record of a complaint will be entered into the academic or employment file of the Complainant(s) or the Respondent(s) without the knowledge and consent of that person. The files generated by the Equity Officer acting pursuant to this Policy will be maintained in the President's Office.
- 7.5 To initiate the complaint process, the Complainant must provide the Equity Officer with a written complaint identifying the concern and what he or she is seeking. The Complainant must provide any relevant information, including any documentation, supporting the claim.
- 7.6 The Equity Officer will review the written complaint and supporting documentation and, within five (5) days of receiving it, determine whether the complaint will proceed further.
  - 7.6.1 If the complaint does not fall under this Policy or there are no grounds to reasonably substantiate the complaint, the Equity Officer will advise the Complainant that the matter will not proceed further and will make a notation in the confidential files.
  - 7.6.2 If the complaint does fall under the Policy and there are reasonable grounds to substantiate it, the Equity Officer will advise the Complainant that the complaint will be processed. Within three (3) working days, the Equity Officer will then deliver or send by registered mail to the Respondent, a copy of the written complaint along with any supporting information and a copy of this Policy. If the Respondent is King's itself, the Equity Officer shall deliver the documents to the representative appointed by the University President.
  - 7.6.3 The Respondent shall respond in writing within ten (10) working days from receipt of the complaint.
- 7.7 The Equity Officer can grant an extension to any of the time limits set out in this Policy, if the party requests the extension in writing and provides reasons that the Equity Officer finds to be valid.
- 7.8 Options for dealing with a complaint
  - 7.8.1 The complaint process could unfold in one of three ways:
    - (a) The Respondent does not respond within the time-frame set out above and has not received an extension so the Equity Officer makes a recommendation based on information available to him or her;
    - (b) The Respondent responds and the Equity Officer concludes that there is no merit to the complaint so makes a recommendation based on information available to him or her; or,
    - (c) The Respondent responds and the Equity Officer believes that discussions between the Complainant and Respondent would be beneficial so will facilitate those discussions.
  - 7.8.2 If the Respondent does not respond within the time-frame set out above and has not received an extension, the Equity Officer can make a recommendation based on information available to him or her as to the action to be taken in response to the complaint. The Equity Officer will present the recommendation in writing to the President within ten (10) working days of the day that the Respondent was to be provided. The recommendation is subject to the President's approval before it can take effect.

- 7.8.3 If the Respondent does respond and the Equity Officer concludes that there is no merit to the complaint, the Equity Officer shall make a recommendation based on information available to him or her. The Equity Officer will present the recommendation in writing to the President within ten (10) working days of the day that the Respondent provided. The recommendation is subject to the President's approval before it can take effect.
- 7.8.4 If the Respondent does respond and the Equity Officer believes that discussion between the Complainant and Respondent would be beneficial, the Equity Officer may facilitate discussions between the Complainant and the Respondent, as the Equity Officer determines is appropriate. The Equity Officer shall have fifteen (15) working days from the date the Respondent has submitted its Response to facilitate a mutually agreeable outcome. This time period may be extended by mutual agreement in writing of the parties and the Equity Officer.
- 7.8.5 If the parties achieve a mutually agreeable outcome, the Equity Officer shall prepare a Memorandum of Agreement, setting out the commitments of each party. The Memorandum of Agreement will typically include the identity of the Complainant and the Respondent, the nature of the concern expressed or accommodation sought the details of the terms of resolution, the time limits within which any action promised is to be carried out and any other relevant information. The Complainant, Respondent and Equity Officer will sign the Memorandum of Agreement. The Equity Officer shall present the Memorandum of Agreement to the President immediately after it is signed by all parties. The Memorandum of Agreement is subject to the President's approval before it can take effect.
- 7.8.6 If the parties are not able to reach a mutually agreeable outcome, the Equity Officer will make a recommendation based on information available to him or her. The Equity Officer will present the recommendation in writing to the President within ten (10) working days of the end of the discussions contemplated in article 7.7.5 of this Policy. The recommendation is subject to the President's approval before it can take effect.
- 7.8.7 Once the President has received a report of Memorandum of Agreement pursuant to this Policy, he or she will advise the parties and the Equity Officer of whether approval is granted and, if not, will provide reasons for the lack of approval.
- 7.8.1 The nature of claims of discrimination and harassment (including sexual harassment) is such that, in some cases, immediate action should be taken to minimize contact between the Complainant and the Respondent. For instance, in a case of alleged sexual harassment, it may be advisable to minimize the need for any contact between the parties. Where that is the case, the Equity Officer may facilitate interim measures while the process set out in this Policy unfolds, if possible.

## **8. NO RETALIATION**

Individuals who believe they have been subject to retaliation because of any matter under this Policy should discuss their concerns with the Equity Officer. Retaliation is prohibited and can lead to disciplinary action.

## **9. EFFECTIVE DATE**

The Policy and associated appendices will take effect on the date it is approved by the Board of Governors of the University of King's College.

## **10. RELATION TO EXISTING POLICIES**

Nothing in this Policy will detract from the operation of King's' regulations and policies.

## **11. REVIEW OF POLICY**

In the first five years of operation this Policy will be reviewed every second year by a working group appointed by the Board of Governors, and this group will report to the Board. Members of the working group may include the Chair of the Equity Committee, a representative from faculty, students and staff. The working group is encouraged to consult the Equity Officer and the wider community as part of its review. After year five, the Board will determine the frequency for the review of this and associated policies.

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