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1. Policy Statement

Upon joining Trinity Western University (the “University”), students, faculty, staff, and administration alike agree to abide by the Community Covenant. The University requires that its members follow biblical principles of lifestyle and conduct which contribute to our distinctiveness as a Christian academic community and make possible the creation of a living-learning environment conducive to the accomplishment of the University’s mission “to develop godly Christian leaders”.

The University is committed to providing a community in which all individuals are treated with respect and dignity, free from bullying and harassment. The University considers bullying and harassment a serious offence and will not tolerate bullying or 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 bullying and harassment greatly 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 University encourages students, faculty, staff, and administration to come forward with complaints. Unless complaints are reported and resolved, it is very difficult for the University to maintain a safe environment for working and learning.

Breaches of this Policy are considered to be a breach of the University’s Community Covenant.

2. Purposes

The purposes of this Policy are:

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

It is normally desirable, if possible, to resolve complaints of bullying and harassment internally. However, the procedures set out in this Policy, and the associated Bullying and 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 bullying and harassment will not be tolerated in the University community.

3. Seriousness

“But among you there must not be even a hint of sexual immorality, or of any kind of impurity, or of greed, because these are improper for God’s holy people. Nor should there be obscenity, foolish talk or coarse joking which are out of place, but rather thanksgiving”.
Ephesians 5:3, 4 NIV

All complaints of bullying and 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 the investigation reveals evidence to support the complaint of bullying or harassment, the bully/harasser will be disciplined appropriately considering such factors as the severity of the bullying and 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 harasser’s file. No documentation will be placed in the file of the person making the complaint (the **“Complainant”**) where the complaint was filed in good faith, whether the complaint is upheld or not. The Complainant will in any event be informed of the outcome of the investigation. No documentation will be placed in the file of the person accused (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 anyone providing information with respect to the complaint (the **“Informant”**).

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

- ◆ the Respondent confronting the Complainant or Informant inappropriately about the complaint;
- ◆ the Respondent initiating conversations about the Complainant, 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, the Respondent making educational or employment decisions that could reasonably be seen to be retaliatory or accusing the Complainant or Informant of being disloyal.

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.

Retaliation will not be tolerated. For the purposes of this Policy, retaliation will be treated as bullying and 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 University 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 University, 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 University 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 may choose to discuss their concern with a Contact Person (ref. section 1.6 of the Bullying and Harassment Policy Procedures) or a Student Life staff member 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 University chooses a resolution process that requires identification. The University retains the right to initiate and conclude investigations it deems necessary (ref. section 3.10 of the Bullying and Harassment Policy Procedures).

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 bullying and 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 University, regardless of seniority or position. It also applies to all individuals with whom the University conducts business, either internally or externally.

The University recognizes that its students, faculty, staff, and administration may be subject to bullying and harassment by those with whom the University conducts business. In these circumstances, the University 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 University's 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 University as an institution. It applies to all activities and events related to or in association with the University at:

- ♦ any location where University 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., University 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-University-related interactions or events such as chance encounters between University employees in a social, church or community setting. Nor would it apply to activities planned by social, church, or community groups in which University employees are involved separate from their University responsibilities.

8. Definitions

8.1 What is bullying and harassment?

Trinity Western University recognizes the jurisdiction of both the federal Human Rights Act as well as provincial human rights legislation, including WorkSafe BC. Bullying and harassment must be defined within the context of Trinity Western University as a distinctive evangelical Christian university. Pursuant to the Trinity Western College Act, the government of British Columbia has mandated that Trinity Western University offer university education with an underlying philosophy and viewpoint that is Christian. Given the religious and educational nature of Trinity Western University, Section 41 of the BC Human Rights Code (the “*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 common law principles governing religious freedom and freedom of expression, establishes an important foundation for an institution such as Trinity Western University in maintaining its unique perspective, spiritual and academic goals, and enforcement of its Community Covenant. Behavioral requirements and questions posed by University officials of students, staff, faculty, or administration that relate to the Community Covenant, when posed in an appropriate manner, do not constitute bullying and 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.

BULLYING AND HARASSMENT POLICY



Within these provisions then, bullying and 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.

Bullying and 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 (such as race, ancestry, physical disability, gender, etc.) 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 7.3).

Bullying and 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 bullying and 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 bullying and 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.7.3); and
- ♦ condescending, paternalistic, or patronizing behaviour which undermines self-esteem, diminishes performance, or adversely affects working or learning conditions.

Bullying and 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 that includes comments 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 7.3).

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 Community Covenant.

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

8.3 What is a “Poisoned Work Environment”?

Bullying and 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 university as a whole.

Examples of bullying and 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.

8.4 How do you assess whether conduct constitutes bullying and harassment?

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

The question is not whether the alleged bully/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 University community context.

Overall, it must also be clearly understood that even though applicable legislation and case law may not determine the conduct about which the complaint is made to constitute bullying and harassment, University policy may nevertheless apply.