



NORTHERN LIGHTS COLLEGE

Student Discrimination, Bullying and Harassment Prevention

Policy Number:	A-5.15
Category:	Administration
Effective Date:	October 13, 2017
Approval Process:	Administrative
Approval Date:	October 13, 2017
Date Last Reviewed:	October 13, 2017

POLICY

Northern Lights College (NLC) is committed to providing a learning environment that is free of Discrimination, Bullying and Harassment, supportive of academic excellence, and one that upholds the dignity, self-esteem and fair treatment of all members of the Northern Lights College Community. The College seeks to create a climate that encourages and values each person's contribution to the development and well being of the community.

PURPOSE

All forms of Discrimination, Bullying and Harassment in the College environment are unacceptable and will not be tolerated. The college encourages reporting of all incidents of Discrimination, Bullying and Harassment regardless who the offender may be.

- All members of the College community share responsibility for creating and maintaining a learning environment free from Discrimination, Bullying and Harassment. This means not engaging in, allowing, sanctioning or ignoring behaviour contrary to this policy.
- College personnel who supervise classrooms carry the primary responsibility for maintaining a learning environment free from Discrimination, Bullying and Harassment. They will act on this responsibility whenever necessary, whether or not they are in receipt of a complaint.
- Those responsible for interpreting, administering, and applying this policy will do so objectively, giving equal regard to the rights of both the complainant and respondent.
- All members of the College community have a right to bring forward a complaint of Discrimination, Bullying and Harassment in instances where they have reason to believe Discrimination, Bullying and Harassment have occurred.
- Nothing in this policy limits the rights of faculty to academic freedom in teaching, research, or in the evaluation of student performance.
- The respondent has the right to know the allegations made against him or her, by whom the allegations were made, and to be given an opportunity to respond to the allegations made.
- The respondent and the complainant have the right to a fair and timely process of resolution.
- In appropriate circumstances, the Director, Student Services may direct that a complaint be investigated and/or determined by an external party.

SCOPE

This policy applies to all students of the NLC Community. Where an employee of NLC is the alleged respondent of Discrimination, Bullying and Harassment the complaint must be filed through the Human Resources Policy H-1.11 Respectful Workplace.

This policy applies to allegations and incidents of Discrimination, Bullying or Harassment in the College's educational, business, or other dealings, whether it occurs on or off campus.

a) On Campus:

This policy applies to all student conduct occurring on or near the premises of the College including online and text message.

b) Off Campus:

This policy applies to the off-campus conduct of students when:

- i. Participating in a program related activity, or college sanctioned event (including fieldtrips, work placements and practicums);
- ii. and/or declaring publicly that they represent the College;
- iii. and/or where there's a connection to the College and a potential for an adverse impact on study.

This policy may also apply in situations where College computer equipment or technology has been used to adversely affect, disrupt, or interfere with another person's learning environment.

All complaints must be made within six (6) months of the last alleged incident. In unusual circumstances, a complaint filed beyond the six-month limitation may be pursued under this policy with the approval of the Vice President (VP), Academic and Research.

This policy will not prevent an individual from pursuing action through alternate resolution procedures including legal action; however there is no entitlement to duplication of process. In particular:

- No action will proceed under this policy if the complaint has already been dealt with through some other process, whether internal or external.
- If a complainant makes a complaint under this policy and also pursues the complaint through some other process, proceedings under this policy may be adjourned or terminated as appropriate pending resolution of the other process.

This policy is subject to the *Human Rights Code*, the *Freedom of Information and Protection of Privacy Act (FIPPA)*, and laws of general application.

Confidentiality

- The College and those involved in the complaint process on the College's behalf will maintain confidentiality throughout the complaint process to the extent possible under the circumstances. Personal information pertaining to a complaint will not be disclosed except as required by law or as necessary to investigate or resolve a complaint.
- Failure to maintain confidentiality may result in the College taking disciplinary action.
- If the College, or outside third party, determines that the safety of an individual is at risk the procedures and rights outlined in this policy, including confidentiality may be set aside.
- Except letters of discipline or censure, all records related to the complaint in any way will be held in the strictest confidence in a file separate from a student's file with the Director, Student Services.

PROCEDURE

In all instances the parties are encouraged to work toward a mutually satisfactory solution to a complaint. In appropriate circumstances the College will assist in this process through the appointment of a mediator agreed to by the parties.

If comfortable doing so, students are encouraged to contact the alleged harasser and inform them that their conduct is unwelcome and contrary to the policy. The student may demand that the offending behavior stop immediately, and document the incident(s) and the discussion. A victim of Discrimination, Bullying or Harassment is not obligated to confront the alleged harasser.

If the Discrimination, Bullying or Harassment does not stop a student may file a complaint or report their concerns to the Director, Student Services by following the Formal Complaint process below.

Interference with the conduct of the investigation or retaliation or threats of retaliation against any person involved in any way in the complaint process may result in disciplinary action by the College.

Complaints that are trivial, frivolous, vexatious, or made in bad faith may result in the College taking action against the complainant.

The College may continue to act on the issue identified in a complaint if it is in the best interests of the College community.

A student may consult with any member of the college community for information, advice, support and referrals relating to matters of Discrimination, Bullying and Harassment. Such individuals may consult with these offices anonymously. However, any information provided to a college member anonymously or in a consultation-only capacity will not be independently substantiated, further investigated, or acted upon by these individuals unless the VP, Academic and Research determines that it would be appropriate to do so and initiates a complaint under the complaint process below.

Complaints relating to Discrimination, Bullying and Harassment may be made by any member of the College Community.

- Where an employee is named as the respondent, the complaint shall be dealt with under the Human Resources Policy H-1.11 Respectful Workplace.
- When a student is named as the respondent, the complaint shall be dealt with under this policy.

Making a Formal Complaint

- If the student is unable to satisfactorily address the complaint through efforts to work towards a mutually satisfactory solution, the person may initiate a formal complaint with the Director, Student Services.
- All formal complaints under this policy shall be submitted in writing using the Student Discrimination, Bullying, and Harassment Prevention Complaint Form A-5.15.01. This form shall be submitted to the Director, Student Services at studentconduct@nlc.bc.ca. The Director, Student Services has the discretion in exceptional circumstances to waive or defer this requirement. The Director, Student Services and or his/her designate will investigate by any means necessary and as appropriate and he/she may form an investigation team or appoint an investigator.

- Complaint proceedings may also be initiated by the VP, Academic and Research based on information that has been given to a member of the college community, or that the VP Academic and Research becomes aware of, if the VP, Academic determines that it is appropriate to do so in the circumstances. In such cases the VP, Academic and Research will either submit the complaint or request a complaint form be submitted by the college member who brought the complaint forward.
- Complainants may withdraw from the complaint proceedings at any time. However, the College's responsibility to provide an environment free from Discrimination, Bullying and Harassment may obligate the College to proceed regardless of the complainant's withdrawal.
- All complaints will be taken seriously, and will be dealt with fairly and promptly.

Receipt of Complaint:

1) The complainant will receive acknowledgment from the Director, Student Services that the complaint has been received, and will inform the complainant whether the complaint will be pursued under this policy, and, if not, the reasons why.

2) If the complaint is deemed actionable under this policy an investigation will commence within five (5) business days of written receipt of the complaint. The investigation will be approached in an unbiased manner.

The Director, Student Services will notify the VP, Academic and Research that an investigation is commencing. If an investigation is undertaken the College will share information with those persons involved in the complaint as necessary to ensure the principles of natural justice and procedural fairness are met, but will otherwise maintain confidentiality of the investigation throughout the entire investigation process unless otherwise required by law. The Director, Student Services will also provide the respondent with a copy of this policy.

3) Interim measures may be taken while the complaint is being investigated or resolved, in order to preserve safety of the respondent, complainant and/or the College community or premises. The investigator will suggest interim measures to the VP, Academic and Research whom will take appropriate action under the circumstances. Should temporary suspension or expulsion be deemed appropriate, the President will be involved in the decision as outlined in the College and Institutes Act. These measures will be provided in writing from the VP, Academic and Research and will be presented to the respondent by the Director, Student Services or designate. The Registrar may also be involved in placing a student on an academic hold until the VP, Academic and Research decides what disciplinary measures, if any, are to be taken.

4) The investigator will interview the complainant and respondent in question, allowing each the opportunity to outline their recollection of the action(s) in question. Witnesses may also be interviewed and the investigation may also examine any other evidence, including documentary or physical evidence relevant to the complaint.

All parties are expected to cooperate with any investigation and provide any details of incidences they have experienced or witnessed.

Following an investigation conducted by an investigator other than the Director, Student Services, the investigator will submit a written report to the Director, Student Services. The investigation reports and any related investigation documents will be retained by the Director, Student Services in a secure location.

Determination of Findings

After reviewing the findings of an investigation, if the complaint is found to have merit, then recommendation for appropriate action will be taken. This action may include:

- mediation;
- education;
- modification of policies or procedures;
- recommending appropriate measures be taken to remedy the effects of discriminatory conduct and restore the complainant's and or respondent's unit to effective functioning and or to prevent discriminatory conduct;
- discipline or suspension of the offending person(s) from the College.

If it is determined that the respondent has not discriminated, bullied or harassed the complainant, the complaint will be dismissed.

1) The Director, Student Services will communicate in writing any resolution and/or recommendations made under this process to the VP, Academic and Research including suggested disciplinary and or remedial measures needed to resolve or address the complaint, if any.

2) Upon receiving the communication the VP, Academic and Research will make the final decision on the appropriate disciplinary and or remedial measures needed to resolve or address the complaint, if any. Should suspension or expulsion be recommended the President will be consulted and will make the final decision.

3) The VP, Academic and Research will provide a letter outlining the results of the investigation and any measures taken to the Director, Student Services, other appropriate members of the College's management team, the complainant and the respondent detailing the following:

- a) The VP, Academic and Research's or the President's decision;
- b) reasons for the decision;
- c) a description of the nature of the duration of the disciplinary measures imposed, if any;
- d) conditions for readmission, if any;
- e) details regarding the right to appeal if the respondent disagrees with the decision rendered under this policy.

4) The letter will be sent to the respondent via registered mail and where possible the Director, Student Services will also present the resolution to the respondent in person. The respondent must be advised that if they fail to comply with any aspect of the agreement additional consequences may be enforced.

A copy of the findings will be placed on the respondents file which will be secured in the office of the Director, Student Services and in the event of any further allegations under this policy, the allegations may be considered when determining how to deal with subsequent complaints.

The registrar will be responsible for making any necessary notations on a student transcript, placing an academic hold on a student's academic status for the duration of suspension and notifying the

instructor(s) of courses in which a student is enrolled when the consequence is Required to Withdraw, Academic Monitoring, a Behaviour Contract or Dismissal from the College. Except letters of discipline or censure, all records related to the complaint in any way will be held in the strictest confidence in a file separate from the student file with the Director, Student Services.

If as a result of the investigation process the complaint is deemed to be without merit or frivolous, trivial or vexatious it will be dismissed summarily and the complainant will be notified in writing of the reasons for dismissal. The respondent will also be notified of dismissal.

Appeals

NLC students have the right to a final level of appeal, if they disagree with a decision rendered under this policy that impacts their ability to register in a program or course, to continue attending a course or program in which they are registered and/or utilize one or more services available to registered NLC learners.

According to the Education Policy E-2.10 Student Appeals the Appeal will be heard if:

- The decision was based on inaccurate or incomplete information.
- The decision was made by College representatives before completing all incremental steps outlined in the specific policy under which the original action was taken.

If a student wishes to lodge an Appeal based on one of these two conditions, the student should refer to the Education Policy E-2.10 Student Appeals for requirements and deadlines. NOTE: The student must lodge the appeal with the Registrar's Office within five days of notification of the final decision under this policy.

Costs

Northern Lights College will be responsible for the costs of administration of this policy. If it is determined that a complaint is fraudulent, vexatious, or frivolous, the College reserves the right to seek indemnification from the complainant for costs incurred in pursuing the complaint.

DEFINITIONS

Discrimination:

Discrimination is defined as the denial of any service, facility or opportunity that is customarily available to the public on the grounds of: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age of that person, or criminal or summary convictions unrelated to the educational program except where there is a bona fide and reasonable justification. Discrimination includes Sexual Harassment, as defined below.

Bullying and Harassment:

Bullying and Harassment are defined as any inappropriate conduct or comment by a person (in person or electronically/online, including texting) towards a student that the person knew, or reasonably ought to have known, would cause that student to be humiliated or intimidated, or any other form of unwelcome verbal or physical behavior which by a reasonable standard would be expected to cause insecurity, discomfort, offense or humiliation to a student or group of students, and has the purpose or effect of interfering with a student's learning environment or creating an intimidating, hostile or offensive learning environment.

Single acts of sufficient severity may constitute Bullying and Harassment.

Examples of Bullying and Harassment include, but are not limited to, the following:

- words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- spreading malicious rumours;
- threats or intimidation, including threats of violence;
- vandalizing personal belongings;
- physical assault or violence; or
- persistent rudeness, bullying, taunting, patronizing behavior, or other conduct which adversely affects the learning environment or educational performance.

Sexual Harassment:

Sexual harassment which includes unwanted remarks, behaviours or communications of a sexual nature or based on sex, sexual orientation, gender, and gender identity where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that they are unwanted.

This conduct may occur in-person or online and includes:

- i. unwanted sexual solicitations, advances, remarks or leering;
- ii. unwanted suggestive touching, comments or gestures, including jokes, songs and chants; and
- iii. the inappropriate display of sexually suggestive materials including pictures, posters, objects, or graffiti in a place where it is reasonable to expect that they may interfere with another person's dignity.

Complaints of Sexual Harassment should be filled under the Administration Policy A-5.18 (Sexual Violence and Misconduct).

Criminal Harassment:

Criminal Harassment or "stalking" is a federal offence and generally consists of repeated, unwanted contact or actions carried out over a period of time. These actions cause victims to reasonably fear for their safety but do not necessarily result in physical injury. These actions may, however, be precursors to subsequent violent acts.

While Criminal Harassment falls outside the scope of this policy, the College is committed to full cooperation with all levels of law enforcement agencies to create an environment free from Criminal Harassment.

STAKEHOLDERS

Students

Support Staff

Faculty

Administration

Education Council

RELATED POLICIES AND REFERENCES

A-5.04: Student Non-Academic Code of Conduct

E-4.05: Student Rights and Responsibilities

E-2.10: Student Appeals

A-5.18: Sexual Violence and Misconduct

A-5.15.01 Student Discrimination, Bullying and Harassment Prevention Complaint Form

LEGISLATIVE REFERENCES

- *Human Rights Code RSBC 1996 c.210, Part 1*
- *Colleges and Institutes Act RSBC c. 52 s.26*
- *Criminal Code of Canada Consolidated Statutes and Regulations 1193 c.-46 s.264*

History

Created/Revised/Reviewed	Date	Author	Approved By
Created	August 2015	Lorelee Mathias	Admin Committee
Revised	October 13, 2017	Lorelee Mathias	Policy Committee

Next Scheduled Review Date

May 2022