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HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT POLICY

The IUOE Local 115 Training Association

00776

Name of Institution

Institution Number

Harassment, Discrimination, and
Sexual Misconduct Policy

August 31, 2021

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Effective Date

Revision Date

The IUOETA is committed to preventing and providing an appropriate response in regards to harassment, discrimination, and sexual misconduct. It is the policy of the IUOETA that all staff, students and contractors have the right to work and learn in an environment free of personal and /or sexual misconduct and in compliance with the prohibitions on discrimination, contained in the *BC Human Rights Code*.

Everyone associated with the IUOETA has a right to be treated with dignity and respect. The IUOETA shall not tolerate conduct that may constitute harassment, discrimination, and/or sexual misconduct by staff, students or third parties connected with the delivery of its programs.

The IUOETA encourages the reporting of incidents of harassment, discrimination, and/or sexual misconduct regardless of who the alleged offender might be and will enforce measures that protect individuals from any type of retaliation.

The BC Human Rights Code prohibits discrimination with respect to employment or any term or condition of employment because of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, gender, sexual orientation or age of that person, or because that person has been convicted of a criminal offense that is unrelated to the intended employment. This section is tempered by considerations of age and seniority and items that may relate to a bona fide retirement or insurance plan, as well as bona fide occupational requirements.

a) Definitions

Discrimination:

Discrimination involves treating an individual differently on the basis of any of the prohibitions described in the Code.

Harassment:

Harassment consists of any unwelcome conduct or comment on the basis of any of the prohibitions described in the Code.

Sexual Misconduct:

Sexual misconduct includes any incident or series of incidents involving unwelcome verbal or physical conduct of a sexual nature. A good test for misconduct or harassment of any type is to ask, "Would a reasonable person know, or ought to know that the conduct was unwelcome and inappropriate?" Sexual misconduct refers to a spectrum of non-consensual sexual contact and behaviour including the following:

- sexual assault;
- sexual exploitation;
- sexual harassment;
- stalking;
- indecent exposure;

- voyeurism;
- the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video;
- the attempt to commit an act of sexual misconduct; and
- the threat to commit an act of sexual misconduct.

Discrimination, harassment, and sexual misconduct cause insecurity, discomfort and humiliation to a person or a group and interferes with work and learning performance. The IUOETA pledges to deal with any incidents promptly.

b) Process for Dealing with Alleged Discrimination or Harassment

Individuals who believe that they have experienced discrimination or harassment are encouraged to take the following steps:

1. Where applicable (and where it is reasonable to do so), inform the perpetrator that their behaviour is unacceptable and unwelcome and ask that the actions cease.
2. Keep a written record of the incidents and the circumstances.
3. If further steps need to be taken to address the issue promptly seek an appointment with the Administrator and make a formal complaint
4. Within forty-eight (48) hours of receiving the complaint, the Administrator will begin an investigation and within five (5) working days render a judgment.
5. If the complaint is substantiated, the discipline imposed may include an apology, written reprimand, referral to counseling, transfer, demotion, suspension or dismissal.

c) Process for Dealing with Alleged Sexual Misconduct

A **complaint** of sexual misconduct is different than a **report** of sexual misconduct. A person may choose to disclose or complain of sexual misconduct without making a formal report. A **report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.

A student making a **complaint** will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a **report**.

With sexual misconduct, where applicable (and where it is reasonable to do so), inform the perpetrator that their behaviour is unacceptable and unwelcome and ask that the actions cease.

1. The process for making a **complaint** about sexual misconduct involving a student is as follows:
 - a. Keep a written record of the incidents and the circumstances.
 - b. Seek an appointment with the Training Site Supervisor Stewart Miller smiller@iuoe115.ca, if you choose to disclose or complain of sexual misconduct.
 - c. An alternate contact in circumstances where the primary individual is absent and/or named in the Complaint will be addressed to the Training Association Administrator Jeff Gorham jgorham@iuoe115.ca.

2. The process for responding to a **complaint** of sexual misconduct involving a student is as follows:
 - a. The Training Association will acknowledge receipt of the Complaint within forty-eight (48) hours of receiving the complaint. The Training Site Supervisor will begin an investigation and within five (5) working days render a judgment.
 - b. If the complaint is substantiated, the discipline imposed may include an apology, written reprimand, referral to counseling, transfer, demotion, suspension or dismissal.
3. The process for making a **report** of sexual misconduct involving a student is as follows:
 - a. Keep a written record of the incidents and the circumstances.
 - b. Seek an appointment with the Training Site Supervisor Stewart Miller smiller@iuoe115.ca if you choose to disclose a Report of sexual misconduct. A Report will be a written statement and request for action and it will be submitted to the Training Site Supervisor.
 - c. An alternate contact in circumstances where the primary individual is absent and/or named in the Report will be addressed to the Training Association Administrator Jeff Gorham jgorham@iuoe115.ca.
4. The process for responding to a **report** of sexual misconduct involving a student is as follows:
 - a. The Training Association will acknowledge receipt of the Report within forty-eight (48) hours of receiving the Report. The Training Site Supervisor review the Report and will begin an investigation and within five (5) working days confirm the next steps or render a judgment in writing.
 - b. If the Report is substantiated, the discipline imposed may include an apology, written reprimand, referral to counseling, transfer, demotion, suspension or dismissal.

It is contrary to this policy for the Training Association to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.

Any processes undertaken pursuant to this policy will be based on the principles of administrative fairness. All parties involved will be treated with dignity and respect.

All information related to a Complaint or Report is confidential and will not be shared without the written consent of the parties, subject to the following exceptions:

- a. If an individual is at imminent risk of severe or life-threatening self-harm.
- b. If an individual is at imminent risk of harming another.
- c. There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
- d. Where reporting is required by law.
- e. Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

All Training Association core classes delivered at the Maple Ridge campus or online will deliver a Bullying, Harassment and Sexual Misconduct presentation emphasizing the key elements in the Harassment, Discrimination, and Sexual Misconduct Policy.