

FAQs: Discrimination and Harassment Prevention Policy and Procedures

Why do we have a *Discrimination and Harassment Prevention Policy and Procedures*?

Brandon University has a responsibility to prevent acts of discrimination and harassment and to address them when they happen. The main purpose of this *Policy & Procedures*, is to provide a way to resolve complaints related to discrimination and harassment at Brandon University in compliance with legislation (*Manitoba Human Rights Code* and *Workplace Safety and Health Act and Regulations*).

To whom does this *Policy & Procedures* apply?

This *Policy & Procedures* applies to all members of the Brandon University community:

- employees,
- students,
- contractors and suppliers of services,
- volunteers,
- visitors, and
- individuals who are connected to any University initiatives.

What are my rights and responsibilities under this *Policy & Procedures*?

Every member of the Brandon University Community has the right to equal treatment without discrimination or harassment. Every member of the University community is expected to refrain from engaging in discriminatory or harassing behaviour. Depending on their role at the University, individuals may also be responsible for educating others about discrimination and harassment and for responding to incidents of discrimination or harassment in a timely manner, using the *Policy & Procedures*.

Will I have a chance to give feedback on the *Policy & Procedures*?

The *Discrimination and Harassment Prevention Policy and Procedures* were developed in consultation with various campus stakeholders, and were first approved by the Brandon University Board of Governors in June 2017. Following a period of implementing the initial policy and procedures, and further consultation with the University community, the documents were revised and approved by the board again in March 2019. These are important and living documents, so feedback can be provided on an ongoing basis

through the feedback link on the Diversity webpage, or by contacting the Diversity and Human Rights Advisor.

What are “Prohibited Grounds”?

The *Manitoba Human Rights Code (MHRC)* prohibits any discrimination or harassment that is based on the grounds listed in the code:

- i. ancestry, including colour and perceived race;
- ii. nationality or national origin;
- iii. ethnic background or origin;
- iv. religion or creed, or religious belief, association or activity;
- v. age;
- vi. sex including sex-determined characteristics or circumstances;
- vii. gender identity and gender expression*;
- viii. sexual orientation;
- ix. marital or family status;
- x. source of income;
- xi. political belief, political association or political activity (including union affiliation or activity);
- xii. physical or mental disability or related characteristics or circumstances; and
- xiii. social disadvantage.

*Although gender expression is not explicitly mentioned in the *MHRC*, it has recently been added to the *Canadian Human Rights Act*, and Brandon University recognizes it as a protected characteristic.

What is “Discrimination”?

Discrimination is the act of treating people who fall under one of the “prohibited grounds” differently, in a way that has an adverse effect on them. Discrimination usually has to do with unequal treatment in employment, living accommodations and access to services. Discrimination can be intentional or unintentional.

What is “Direct Discrimination”?

Direct discrimination means the differential treatment of a person based on their actual or presumed membership in one of the protected groups defined in the *MHRC*.

What is “Systemic Discrimination”?

Systemic discrimination refers to discrimination that is a result of actions, policies and/or procedures working together to disadvantage a protected group. Each of the actions,

policies and/or procedures is not discriminatory on its own but the combined effect results in discrimination.

What is Harassment?

Harassment is a course of abusive behaviour which the harasser should know is unwelcome. Harassment may be written or verbal, a physical act or gesture, or a display of offensive material. Harassment may also mean the intentional exclusion, undermining or sabotaging of a person or persons. A single act may be determined to be harassment if it is severe in its effect and/or the harasser is aware of the effect of the behaviour on the other person.

Does the *Policy & Procedures* document tell me what to do if I am being harassed or discriminated against?

The procedures section of the *Discrimination and Harassment Prevention Policy and Procedures* outlines how to file a complaint and the process followed once a complaint is made. Complaints must be filed using the *Discrimination and Harassment Complaint Form*, which must be complete, signed and submitted to the Diversity and Human Rights Advisor.

What can I do if I am not sure about filing a complaint, or if I have questions about the *Policy & Procedures*?

If you are not sure if the situation that you are dealing with is covered under this *Policy & Procedures*, you are encouraged to consult the *Guide to Resolving Conflict at Brandon University*. This guide can help you determine if your situation is most likely conflict or discrimination/harassment. You can also speak to a Human Resources Officer, Student Services Personnel, BUSU, union representative, your direct supervisor, Department Chair, Dean or Director.

If you have questions about the *Policy & Procedures* document itself you can consult those listed above, or the Diversity and Human Rights Advisor.

Is there a deadline to filing a complaint?

The *Policy & Procedures* document states that complaints should be brought forward within 12 months. This is not an absolute deadline, however. Anyone wishing to bring forward a complaint of discrimination or harassment is encouraged to consult a Human Resources Officer, Student Services Personnel, BUSU, union representatives, a direct supervisor, Department Chair, Dean or Director or the Diversity and Human Rights advisor, even if it is beyond the 12 months' timeframe.

How can I be sure there will not be retaliation if I file a complaint?

If you file a complaint or cooperate in any action under this *Policy & Procedures* and feel that you are being retaliated against, you should report this as soon as possible so that the University can take immediate action to address it. Such acts of retaliation will be treated as harassment under the *Policy & Procedures*.

Who decides whether a complaint moves forward to an investigation?

Normally the Diversity and Human Rights Advisor will review the complaint and determine whether or not it falls under the *Policy & Procedures*. Some complaints may not rise to the level of discrimination or harassment, so the DHRA may discuss some other options for resolving the issue with the complainant.

Is the process confidential?

It is very important that processes under this *Policy & Procedures* be treated confidentially, and all reasonable steps will be taken to maintain confidentiality. All those involved in processes under this *Policy & Procedures* will be informed of their responsibility to keep matters confidential and to respect the dignity and privacy of others.

Confidentiality is not the same thing as anonymity, and it is usually necessary for the person making the complaint to be identified and for some information to be shared when investigating the complaint.

Anonymous complaints are those where the complainant is not named, and are only accepted in special circumstances such as whistleblower or sexualized violence complaints.

What if a complaint is made against me?

If you are named as a respondent in a complaint, you will be notified and you will receive a summary of the allegations against you. Your union will also be notified if you are part of a bargaining unit. You will be given the opportunity to respond to the allegations, and to provide evidence and witnesses. You are encouraged to consult with your union (where applicable) throughout the process and/or to bring a support person to any meetings.

How are malicious complaints addressed?

A false complaint that is brought forward deliberately to produce a negative impact on someone is a malicious complaint. Malicious complaints will be treated as acts of harassment under this *Policy & Procedures*.

If the investigation does not find that discrimination or harassment took place, is the matter closed?

Even where there is no discrimination or harassment, there may be outstanding conflict, gaps in other Brandon University policies and/or procedures, a need for training or other situations which require action. Supervisors and academic administrators may implement remedial actions to address these situations, even where there is no finding of discrimination or harassment.

Where can I get more information about this?

There is additional information on the Diversity web page, including:

- The Discrimination and Harassment Prevention Policy and Procedures
- Discrimination and Harassment Prevention Process Flow
- Discrimination and Harassment Complaint Form
- Guide to Resolving Conflict at BU
- Guide to Internal Investigations at BU

You can also contact the Diversity and Human Rights Advisor at diversity@brandonu.ca or 204-727-9785.

This document is available in PDF and Microsoft Word format on the Brandon University website. A printed copy can be attained from the Diversity and Human Rights Office, Room 333 Clark Hall. Persons involved with the processes outlined in this policy (complainants, witnesses or respondents) may conduct their involvement verbally or with the assistance of an interpreter upon request.