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# **HERITAGE CHRISTIAN COLLEGE**

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## **HARASSMENT AND NON-DISCRIMINATION POLICY**

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## APPROVAL AND REVIEW DETAILS

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Signed by:\_\_\_\_\_

Chairman of Council

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Date:

## Contents

APPROVAL AND REVIEW DETAILS.....	2
1.0 Purpose of Policy.....	4
1.1 Applicability.....	4
2.0 Policy Statement.....	4
3.0 Harassment.....	5
3.1 Types of Harassment under this Policy.....	5
3.1.1 Hostile or Offensive Environment.....	5
3.1.2 Sexual Harassment.....	6
4.0 Discrimination and Abuse of Authority.....	7
4.1 Abuse of Authority.....	7
5.0 Retaliation.....	7
6.0 Members' Rights and Responsibilities Under This Policy.....	8
7.0 Reporting Harassment and or Discrimination.....	8
7.1 Informal Approach.....	8
7.2 A formal Complaint Approach.....	9
8.0 Disciplinary Action and Remedies for Complainants.....	9
9.0 Equal Treatment.....	10
10.0 Confidentiality.....	10

## **1.0 Purpose of Policy**

HCC, uphold high Christian ethics with a firm commitment to equality and diversity. Hence, HCC sees harassment and discrimination as unacceptable behaviour that are not tolerated within the community.

This policy is to promote the development of a working environment that is free from harassment and discrimination on the basis of; age, colour, disability, gender identity or expression, genetic information, marital status, national or ethnic origin, race, religion, or sex. The policy also ensures that individuals, including student, staff, faculty, trustees, contract workers, and visitors, have the confidence to complain about harassment and discrimination, should they arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if employees or students feel they are being harassed, discriminated or bullied during their stay at HCC.

The University takes steps to ensure that a hostile environment on these bases does not exist on its campus or in its programs and activities and to respond effectively to formal and informal allegations of harassment or discrimination. The University will promptly investigate such complaints or incidents and will take prompt and appropriate measures, including disciplinary action, against individuals found to have violated this Policy.

## **1.1 Applicability**

This policy shall serve as a guide for staff, faculty and students and would be applied across board to all members of the HCC community. Any member who suffers unduly shall report to the immediate authority for redress. Thus, all students who suffer in this situation shall report to the Heads of Departments (HODs).

## **2.0 Policy Statement**

- ❖ Every staff member and non-staff member has a right to work in a harassment-free and respectful environment.
- ❖ HCC is committed to address inappropriate behaviour, including harassment, by or towards its staff, students and all its community members.

- ❖ Every member of the community including all employees, students and visitors responsible for conduct which can be construed as harassment, sexual harassment or abuse of authority shall be subject to appropriate administrative or disciplinary measures.
- ❖ Measures to deal with inappropriate behaviour, including harassment, will be based on the principles of fairness, impartiality, sensitivity and respect.
- ❖ Everyone who works for HCC has a responsibility to sustain a respectful work environment by upholding the highest standards of conduct and applying necessary confidentiality measures.
- ❖ HCC will ensure that adequate resources are available to promote a positive work environment and to prevent inappropriate behaviour in the workplace.
- ❖ Every member of the HCC community has the right to an appropriate means of dispute resolution, which can be an informal or formal process.
- ❖ HCC will provide appropriate mechanisms to prevent or deal with retaliation related to the reporting of allegations of harassment or discrimination.

### **3.0 Harassment**

- ❖ Harassment in this policy document is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another.
- ❖ Harassment includes - but is not limited to - words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle or cause personal humiliation or embarrassment to another; or that cause an intimidating, hostile or offensive work environment. It includes harassment based on any grounds such as race, religion, colour, creed, ethnic origin, physical attributes, gender or sex.
- ❖ It can include a one-off incident or a series of incidents. Harassment may be deliberate, unsolicited and coercive. Harassment may also occur outside the workplace and/or outside working hours.

### **3.1 Types of Harassment under this Policy**

This Policy addresses two forms of harassment:

- ❖ Hostile or offensive environment; and
- ❖ Sexual harassment.

#### **3.1.1 Hostile or Offensive Environment**

A hostile work, learning, co-curricular, social or living environment occurs when;

- a member of the HCC community or a visitor is subjected to unwelcome statements, jokes, gestures, pictures, touching, or other conduct that offends, demeans, harasses, or intimidates
- Harassment includes offensive verbal or physical conduct or text or graphic communication including through social media that has the purpose or effect of interfering with an individual's work or educational performance, or has the purpose or effect of creating an intimidating, hostile, or offensive environment.
- The violating conduct may involve a single serious and offensive event, or may involve persistent harassing behaviour.
- A hostile environment can be created by supervisors, co-workers, faculty, students, alumni, or visitors to campus such as vendors and contractors.

#### **Examples of a serious act**

An isolated comment or incident usually does not create a hostile work or educational environment. The exception is if the incident is a serious act, such as;

- 1) intentional, non-consensual touching of an intimate body area of another person;
- 2) an instructor humiliating a student in class by making a joke about the student's disability; or
- 3) a student marking or writing a racial epithet on a fellow student's door.

#### **Examples of persistent hostile behaviour**

A hostile work or educational environment may be created when a person fails to stop a behaviour that a reasonable person would find hostile or abusive particularly after they have been asked previously to stop the behaviour.

Examples:

- 1) students in a class ask a teaching assistant not to tell jokes targeted at individuals of a particular race, national origin or sex, but she or he continues to do so; or
- 2) an employee asks a supervisor not to touch him or her, but the supervisor continues to do so.

### **Stereotyping**

This consists of statements that demean people on the basis of age, colour, disability, gender identity or expression, genetic information, marital or familial status, national or ethnic origin, race, religion, sex, sexual orientation, or veteran status can also contribute to a hostile work or educational environment. While they are directly not harassment, they could contribute to a hostile environment.

### **3.1.2 Sexual Harassment**

Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment.

It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive. Both male and female colleagues can either be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours.

Sexual Harassment occurs when a member of the HCC community who has a position of power or influence over another member of the community (for example, professor over student, supervisor over supervisee, graduate teaching assistant over the undergraduate class participant, etc.), explicitly, or implicitly, promises or withholds job-related or education-related benefits based upon the employee's or student's submission to sexual advances or behaviour.

## **4.0 Discrimination and Abuse of Authority**

Discrimination occurs when a member of the HCC Community or a visitor is subject to negative or adverse treatment, based on one or more of the protected characteristics (i.e., age, colour, disability, gender identity or expression, genetic information, marital status, national or ethnic origin, race, religion, or sex, that denies or limits the individual's ability to obtain educational or actual benefits or interferes with the work environment. Example of such discrimination includes a faculty member giving a student a different grade because of association, ethnic background, sexual orientation, or an administrative staff giving preferential treatment to other faculty, students or staff on the basis of any of the protected characteristics.

### **4.1 Abuse of Authority**

This is the improper use of a position of influence, power or authority by an individual against another colleague or group of colleagues. This is particularly serious when an individual misuses his/her influence, power or authority to negatively influence the career or employment conditions (including - but not limited to - appointment, assignment, contract renewal, performance evaluation or promotion) of another. Abuse of authority may also include misuse of power that creates a hostile or offensive work environment, which includes - but is not limited to - the use of intimidation, threats, blackmail or coercion.

## **5.0 Retaliation**

This is a threat or acts of retribution against an individual who raises concerns, makes claims or assists in providing information about harassment, sexual harassment, or abuse of authority. Examples of retaliation may include - but are not limited to - threatening the non-renewal of a contract, publicly or privately speaking of the allegations (e.g., with the complainant), continued harassment in any form, discriminatory treatment, isolation or failure to consider individual concerned for a post or promotion.

This Policy prohibits retaliation against, and intimidation or harassment of, anyone who reports or is believed to have reported harassment, discrimination, or other prohibited conduct, or who is a witness or otherwise involved in a harassment or discrimination proceeding. Such retaliation, intimidation, or harassment will be considered a serious violation of this Policy, regardless of whether an informal or formal complaint is upheld. Encouraging others to retaliate is also prohibited.



## **6.0 Members' Rights and Responsibilities Under This Policy**

Any member of the HCC community who believes he or she has been the target of any harassment or discrimination is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop. If the offended person does not wish to communicate directly with the offending person, or if such communication has been ineffective, he/she has multiple avenues for reporting allegations of such harassment and/or pursuing resolution. Members are encouraged to report the unwelcome conduct as soon as possible to a responsible Department official.

All members of the community, including but not limited to staff, supervisors, senior officials, and students, are required to comply with this Policy. Members are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, student groups or individuals, or members of the public with whom they come into contact in the course of official duties. Further, all members are expected to take appropriate measures to prevent all forms of harassment or discrimination.

## **7.0 Reporting Harassment and or Discrimination**

A number of options is open to any HCC member to report any experience of harassment or discrimination. They may be able to speak or write directly to the individual(s) concerned and request that the behaviour in question stop immediately. Alternatively, or if they achieve no success through such direct communication, a student may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about it and can take action with them to ensure that it stops. It is hoped that the large majority of cases will be resolved by such informal procedures, which are described in more detail below, but a final option is to make a formal complaint.

### **7.1 Informal Approach**

Members of the HCC community concerned about discrimination or harassment may initially wish simply to discuss the matter with a friend or sympathetic colleague. Alternatively, or subsequently, such member may wish to seek further advice and may approach the following:

In the case of the student:

- the SRC President or representatives or heads of Department.
- the Academic Advisor of the student.
- Trusted faculty members, staff or students of the community

In the case of staff:

- the Academic head, Dean, Head of Department, or Registrar
- The President
- Any member of the community in whom they have confidence.

## **7.2 A formal Complaint Approach**

It is hoped that most cases of alleged harassment, discrimination or bullying will be resolved by the informal procedures. However, formal action may be considered where informal action proves ineffective, or where a member feels that an informal approach is not appropriate. A formal complaint must normally be registered in writing, as soon as possible after the incident concerned. It is, however, recognised that complaints of this nature may relate to cumulative actions taking place over a period of time.

A formal complaint of harassment should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to a specific incident(s). The names of any witness(es) to the incident(s) should also be included. Any formal complaint should be addressed to the Registrar. The Registrar will discuss the matter with the complainant and will consider whether further action should be taken and or whether the police should be informed.

## **8.0 Disciplinary Action and Remedies for Complainants**

### **Disciplinary Action**

Harassment, discrimination, and other prohibited conduct under this Policy are serious offenses that will not be tolerated in an educational, working, co-curricular, social, or living environment. Disciplinary action may include, but is not limited to:

- Corrective action or restitution
- Written reprimand
- Requirement to attend training
- Work restrictions
- Suspension

- Demotion with reduction in pay
- Student expulsion
- Termination of employment of employees

The range of disciplinary actions available when a member of the HCC community is alleged to have been engaged in a conduct prohibited under this Policy, the person accused shall be referred to a disciplinary panel for disciplinary process or may be required to participate in, counselling or educational sessions or programs for corrective purpose.

## **9.0 Equal Treatment**

Complainant and respondent will receive equal treatment in the investigation and resolution of complaints. Both complainant and respondent will receive timely notices and equal access to relevant information, and will have an equal opportunity to participate in the process described herein.

## **10.0 Confidentiality**

Requests by a complainant (or individuals acting on behalf of a complainant) that a report involving prohibited conduct under this Policy is not pursued and maintained confidentially will be evaluated by the Disciplinary Committee. In order to ensure the privacy of the individuals involved and the integrity of the investigations and proceedings under this Policy, all individuals who are involved in informal and formal resolution procedures, as a result of being; (a) consulted by either the complainant or the respondent, or (b) interviewed by the Disciplinary Committee, or designee, are instructed and required to maintain confidentiality of the proceedings. Failure to maintain confidentiality constitutes a violation of this Policy and may result in disciplinary action. Notwithstanding these precautions, HCC cannot and does not guarantee that confidentiality will be maintained by all parties involved.