

Title: Discrimination and Sexual Harassment Procedure	Section: 3.3.2
Approved: January 29, 1997	Revisions: Nov 15/03
Status: Active	

1.0 The Faculty & Staff Association is opposed to discrimination and sexual harassment in the workplace. This policy covers those situations involving allegations of discrimination or sexual harassment filed against Faculty & Staff Association employees or Faculty & Staff Association Directors (including other elected or appointed officers and officials). Given that discrimination and sexual harassment is one of the areas dealt with under Human Rights legislation, this policy is specifically intended to cover discrimination and sexual harassment complaints involving FSA Directors, officers and staff, since these individuals fall outside the jurisdiction of the BCIT policy. The definitions of both discrimination and sexual harassment shall be as contained in the current version of the B.C. Human Rights Act.

2.0 Procedures for handling Faculty & Staff Association employee complaints against Directors or other Faculty & Staff Association employees.

2.1 A complaint shall be initiated by filing it, in writing, with the appropriate individual as established in the chart below:

<u>Complainant</u>	<u>Respondent</u>	<u>File with</u>
staff member	staff member	Exec Dir
staff member	Director	Exec Dir
staff member	FSA member	Exec Dir
staff member	Exec Dir	President
Director	Director	President
Director	Exec Dir	President
Director	President	Vice-President
Director	Staff member	Exec Dir
FSA Member	Staff member	Exec Dir
FSA Member	Director	President
FSA Member	President	Vice-President
FSA Member	Exec Dir	President

2.2 The complaint shall be investigated and dealt with by a three person committee. Two Directors shall be appointed by the Board of Directors, one of whom shall be named Chairperson. The 3rd person appointed to the Review Committee shall be a non-Director, FSA member. The Complainant and respondent shall mutually agree to the named individual. Failing agreement by the

Complainant and Respondent, the two appointed Directors shall choose a third individual. If any Directors are complainants or respondents in the case, they shall be excluded from participation in the selection process and shall be ineligible for appointment.

- 2.3 The Review Committee shall meet at the earliest opportunity to determine how they shall implement the approved process. At this point, and at any point subsequently, the Review Committee, through its Chair, may consult with legal counsel approved by the Union.
- 2.4 The Review Committee shall meet with each complainant individually, and their advocate if they wish, for the purpose of allowing them the opportunity to clarify their concerns, describe the specific incidents which led to their complaint, and describe what remedy they are seeking. The sole purpose of this meeting is to hear the complainant's point of view and therefore the group shall not give any comment or responses to the complainant's concerns at this meeting.
 - 2.4.1 "Advocate" means any person of the complainant's or respondent's choosing, including legal counsel.
- 2.5 The Review Committee shall then meet individually with the named respondent(s), and their advocate if they wish, at the earliest opportunity, to give them an opportunity to respond to the complaint. The sole purpose of this meeting is to hear the respondent's point of view and therefore the group shall not give any comment or responses to the respondent's concerns at this meeting.
- 2.6 The Review Committee shall determine if additional information and/or evidence is needed for them to make findings of fact and recommendations on appropriate action, interviewing other persons if they deem it necessary.
- 2.7 The Review Committee shall meet again separately with the complainant(s) and the respondent(s) to obtain any clarification they deem necessary to establish facts or to make recommendations on the case.
- 2.8 The Review Committee shall write a summary of its findings (what they understand happened) and, if they believe any action should be taken, include recommendations for what such action should be.
- 2.9 The complainant(s) shall be given a copy of the review Committee's

report and if they wish, submit a written response to the Committee for forwarding to the Directors. The respondent(s) shall also be provided with copies of the report and given the opportunity to provide a written response to the Committee for forwarding to the Directors.

- 2.10 The Review Committee shall submit their report and any written responses from the complainant(s) or respondent(s) to the Directors. The Directors shall make a decision regarding what action, if any, should be taken.
- 2.11 The entire proceedings shall be held confidential by the the parties to the complaint, the parties' advocates, and the Directors.