

The Discrimination, Harassment, and Bullying Policy

CMKL Policy Regarding Bullying, Harassment, and Discrimination Statement

CMKL will strive to achieve a healthy and safe environment, classroom, and workplace, for all members by addressing the issue of harassment, discrimination, bullying, disturbing act, threats, or acts of violence. CMKL is concerned to ensure that all members are treated fairly and with dignity and respect and to ensure that harassment, discrimination, bullying, disturbing act, threats, or acts of violence does not occur but, in the event, they do, appropriate action is taken quickly.

All community members must not engage in harassment, discrimination, bullying, disturbing act, threats, or acts of violent behavior towards another member; or a member of the public with whom they have contact in the course of their study or employment. CMKL will not tolerate such behavior. Such behavior may result in criminal arrest and prosecution and/or disciplinary action, up to and including dismissal, against the offender whether they are students, faculty, or staff, including any member who:

- participates in harassment, discrimination, bullying, disturbing act, threats, or acts of violence; or
- victimizes or retaliates against a member who has lodged a complaint about harassment, discrimination, bullying, disturbing act, threats, or acts of violence in the university.

Purpose

The purpose of this policy is to make all community members aware of what constitutes harassment, discrimination, bullying, disturbing act, threats, or acts of violence, and their responsibilities in preventing, managing, and set out the procedure for reporting such incident.

Scope

This policy applies to all students, faculty and staff but not limited to, administrators, instructors, counselors, instructional assistants, teaching assistants, academic

support officers and shuttle drivers.

Definition

Bullying

Bullying is the use of force, coercion, hurtful teasing or threat, to abuse, aggressively dominate or intimidate. Bullying can leave an individual feeling vulnerable, upset, humiliated, disgraced, disrespected, or intimidated. One essential prerequisite is the perception (by the bully or by others) of an imbalance of physical or social power. This imbalance distinguishes bullying from conflict.

Harassment

Harassment is commonly understood as behavior that demeans, humiliates or embarrasses a person, and it is characteristically identified by its unlikelihood in terms of social and moral reasonableness. Harassment can be any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating an individual's honorableness or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is often linked to one or more of the following social factors: age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

Examples of bullying and harassment include, but are not limited to:

1. physical or psychological threats;
2. overbearing and intimidating levels of supervision;
3. inappropriate derogatory comments about someone;
4. spreading malicious rumors;
5. unfair treatment;
6. picking on or regularly undermining someone.

Discrimination

Discrimination is the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex. Discrimination can be direct or indirect. Direct discrimination is when someone is treated unfairly because of a protected characteristic (e.g., their race). Indirect discrimination can happen when there are rules or arrangements that apply to a group of employees or job applicants, but in practice are less fair to a people possessing a certain protected characteristic.

Disturbing acts

Disturbing act is an act that violates public order or university order, disturbs the public, or incites violence, including any violation of any law enacted to preserve peace and good order. Disturbing act must be that most people would find to be unreasonably disruptive.

Example of disturbing act

1. uses abusive, indecent, profane, or vulgar language in the campus, and the language by its very utterance tends to incite an immediate breach of the peace;
2. makes an offensive gesture or display in the campus, and the gesture or display tends to incite an immediate breach of the peace;
3. creates, by chemical means, a noxious and unreasonable odor in the campus;
4. abuses or threatens a person in the campus in an obviously offensive manner;
5. makes unreasonable noise in the campus;
6. fights with another in the campus;
7. displays a firearm or other deadly weapon in the campus;
8. while on the campus looks into an area such as a restroom or shower stall or changing or dressing room that is designed to provide privacy to a person using the area.

Threats

Threats is a menace; a declaration of one's purpose or intention to work injury to the person, property, or rights of another including giving a person who has been threatened an unpleasant feeling, anxiety, worried, or prevented from doing something freely, or forced to do something involuntary.

Acts of violence

Acts of violence means any act involving an assault or other infliction or threat of infliction of death or bodily harm on an individual; or damage to, or destruction of, real or personal property.

Formal Complaint Procedure

1. The individual must file a written formal complaint to the Dean's Office or the HR Office indicating where the incident allegedly occurred by using the complaint form attached to this procedure. The details must include the respondent's name, the names of all parties involved, the date, time, and details of the incident as well as the rule, policy, or practice that is alleged to have been violated. It must also include a desired resolution or outcome regarding the complaint.
2. Further action may be taken if the complaint form contains sufficient and reliable information to carry out an investigation.

3. The senior academic administrator (either the Assistant Dean, Assistant Director, Executive Coordinator, or HR Manager) receives the complaint and makes an informal attempt to resolve the issue. The complaint will be reviewed by the senior academic administrator who received the report.
4. In some situations it may be appropriate to consider early resolution of an initial complaint without undertaking an assessment of its merit, for example, the behaviour being complained about is not serious and does not appear to be discrimination or harassment, as defined by the organisation's policy.
5. The senior academic administrator will meet with the respondent, or other parties as necessary to reach a satisfactory, mutually acceptable informal resolution. If the issue is not resolved, the unit head or the department will investigate the issue and allegations.

Outcome

Outcomes for the respondent and complainant may include, but are not limited to:

1. disciplinary counseling;
2. an official warning;
3. a requirement to attend discrimination and harassment awareness training;
4. a requirement to provide a formal apology to the complainant;
5. disciplinary action (e.g. demotion, transfer, suspension, probation, or dismissal);
6. participation in mediation to restore relationships;
7. academic schedule, work schedule or job assignment modifications, for example, a change in work teams or location;
8. re-crediting of any leave taken as a result of the discrimination or harassment;
9. supportive counseling;
10. no contact agreements (contracts that prohibit on the parties' communications and interactions with each other);
11. limiting a respondent's access to certain university resources or activities for temporarily;
12. increased observation and security of specific campus areas;
13. a combination of any of these approaches.