



ANTI-HARASSMENT POLICY

1.0 PURPOSE

New Brunswick College of Craft and Design (NBCCD) (“the College”) is committed to providing a safe environment for all its students and faculty free from discrimination on any grounds and from harassment including sexual harassment. NBCCD will operate a zero-tolerance policy for any form of harassment at the College, treat all incidents seriously, and promptly investigate all allegations of harassment that have been brought forward to Administration. Any person found to have harassed another will face disciplinary action, up to and including expulsion from the College. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No individual will receive further damage for making such a complaint.

2.0 DEFINITIONS

Harassment

The Canadian Human Rights Act protects employees and students from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity, marital status, family status, disability, or pardoned conviction.

Harassment at NBCCD is not tolerated. Students who are found to have harassed another individual will be subject to disciplinary action. This includes any student or employee who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm. Any harassment on one of the prohibited grounds of discrimination in the New Brunswick Human Rights Code is also prohibited.

For more examples of the prohibited grounds of discrimination please refer to section 11.0 of the Student Code of Conduct Policy.

Harassment includes but is not limited to:

- offending or humiliating someone physically or verbally
- threatening or intimidating someone
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned conviction.

Harassment may also include the following:

2.1 Poisoned School Environment

A poisoned environment is characterized by an activity or behaviour, not necessarily directed at anyone, that creates a hostile or offensive environment. A poisoned school environment can be created by faculty, staff, students, between Instructors and students, or amongst students who may or may not have a relationship with each other. Examples of a poisoned environment include and are not limited to: bullying, graffiti, sexual, racial or religious insults or jokes, abusive treatment of an employee(s), and the display of pornographic or other offensive material.

2.2 Abuse of Authority

Abuse of authority is where an individual improperly uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with or influence a person's career. It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Examples of abuse of authority include, and are not limited to: misuse of power, intimidation,

threats, blackmail or coercion, inappropriate use of power (with a subordinate) for sexual purposes.

2.3 Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated, and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's attendance at the College, as well as situations which create an environment which is hostile, intimidating, or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal, and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

- i) Physical Conduct
 - a. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
 - b. Physical violence, including sexual assault
 - c. Physical contact, e.g. touching, pinching
 - d. The use of academic-related threats or rewards to solicit sexual favours
Additionally, any form of threatening behaviour that instills fear or discomfort, even without direct physical contact, is considered harassment.

- ii) Verbal conduct
 - a. Comments on a student's appearance, age, private life, gender expression, etc.
 - b. Sexual comments, stories, and jokes
 - c. Sexual advances
 - d. Repeated and unwanted social invitations for dates or physical intimacy
 - e. Insults based on the sex of the person
 - f. Intentional and/or consistent misgendering, deadnaming, and name-calling in any form.
 - g. Condescending or paternalistic remarks
 - h. Sending sexually explicit messages, audio, or video, in print or electronically (by phone or by email)

- iii) Non-verbal conduct
 - a. Display of sexually explicit or suggestive material

- b. Sexually suggestive gestures
- c. Whistling
- d. Leering

NBCCD recognizes that harassment occurs between people regardless of their gender identity, gender expression, biological sex, and sexual orientation; however, racialized individuals and individuals from the 2SLGBTQIA+ community are more at risk. NBCCD recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the environment. Anyone, including students, staff, faculty, interns, or visitors who harass another will be reprimanded in accordance with this internal policy.

All harassment is prohibited whether it takes place within NBCCD premises or outside, including at social events, business trips, training sessions, or conferences connected to NBCCD.

3.0 COMPLAINTS PROCEDURES

Please refer to the **Student Code of Conduct Policy** for the informal and formal complaints procedure.

Anyone who is subject to harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. NBCCD recognizes that harassment may occur in unequal relationships and that it may not be possible for the student or staff to inform the alleged harasser. If a student or staff cannot directly approach a harasser, they can approach a trusted Instructor who will refer to the College Counsellor, Student Services Manager, or the Student Disciplinary Committee as outline in the **Student Code of Conduct Policy**, who are responsible for receiving complaints of harassment.

NBCCD understands the need to support survivors in making complaints. Throughout the complaint procedure, the complainant is entitled to be supported by a counsellor within the College. NBCCD will provide the counsellor with specialized training to enable them to assist victims of sexual harassment. NBCCD recognizes that because sexual harassment often occurs in unequal relationships, survivors often feel that they cannot come forward. We encourage that they come forward. We aim to provide complainants with the support, kindness and respect required to safely do so.

When submitting a complaint, the complainant will be informed that they can lodge the complaint outside of the College through the **New Brunswick Human Rights Commission, Fredericton City Police, Saint John City Police, or the RCMP.**

3.1 Outside complaints mechanisms

A person who has been subject to harassment can also make a complaint outside of NBCCD. They can do so through the **New Brunswick Human Rights Commission or Fredericton City Police when appropriate.**

3.2 Sanctions and disciplinary measures

Anyone who has been found to have harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- demotion
- suspension
- dismissal
- expulsion

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence or sexual violence, will result in the immediate suspension or dismissal of the harasser.

4.0 IMPLEMENTATION

NBCCD will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff and student handbook and available on the website for reference.

5.0 MONITORING AND EVALUATION

NBCCD recognizes the importance of monitoring this harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and its effectiveness. The Student Disciplinary Committee and those responsible for

responding to harassment cases will report to the College Director on compliance with this policy, including the number of incidents, how they were responded to, and any recommendations made, or actions taken. This will be done on a yearly basis. As a result of this report, NBCCD will evaluate the effectiveness of this policy and make any changes needed on a rolling basis.

6.0 RELATED POLICIES

- Student Code of Conduct Policy
- Academic Code of Conduct Policy

7.0 POLICY CUSTODIAN

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