

DRAFT #3 -- CiTR 101.9FM and Discorder Magazine Sexual Violence and Bullying and Harassment Policy

Guiding Principle

CiTR 101.9FM and Discorder Magazine strive to create a space to work, volunteer, and learn in which respect, civility, diversity, opportunity, and inclusion are valued and upheld. We are committed to the creation and preservation of a safe and inclusive space for everyone, so that we may work towards the goals set out in our mandate. Bullying and harassment, sexual harassment, assault, sexual assault, discrimination and all forms of gender-based violence are harmful to our members and community, and therefore will not be tolerated by CiTR and Discorder. Gender-based violence is not only a direct attack on the dignity and worth of the individual or group at whom it is directed, it undermines the type of community we strive for and is in direct opposition to our mandate.

Purpose

This policy is designed to provide a framework for the safety and care of CiTR and Discorder members who have experienced any form of harassment or violence during their involvement with CiTR and Discorder. We understand the importance of placing these individuals at the centre of our response process and taking their lead throughout the duration of the process. Among the options available to support them include the subsequently outlined steps for informal disclosure, formal reporting and investigation, and the procedure for handling a report.

CiTR and Discorder will make every reasonable effort to ensure that the people who work at and volunteer for CiTR and Discorder are not subjected to discrimination, bullying and harassment, or assault, including sexual harassment and sexual assault.

Scope/Applicability

This policy applies to all members of the CiTR and Discorder community, including but not limited to staff, student executive, Board members, volunteers, and visitors to the station. It applies to incidents that take place on CiTR and Discorder property, while any member is acting within their CiTR or Discorder role or to incidents that take place off CiTR or Discorder property where the parties are engaged in activities related to their role(s) with CiTR or Discorder.. Behaviour which occurs separate from any CiTR and Discorder-related activities and which is unrelated to an individual's role with CiTR or Discorder is not covered by this policy.

Definitions

Student Executive:

Means the group of voting Members elected or appointed who are responsible for supervising the day-to-day operations and functions of the Radio Station.

Station Staff:

Means those individuals who are employed on a full-time or part-time basis.

Voting Members:

Those members who are part-time or full-time students at the Vancouver campus of the University of British Columbia.

Member of the CiTR and Discorder Community:

Includes volunteers, programmers, contributors and community members, staff, student executive, board members and visitors to CiTR and Discorder, as well as voting and non-voting members of CiTR and Discorder.

Consent:

Consent means enthusiastic and freely given 'yes' to any sexual activity. Consent must be given during all sexual activity, even if consent has been given previously. Consent may be withdrawn at any time. Coercion does not equal consent. Sexual contact without consent is sexual assault.

A person may be incapable of giving consent if:

- They are forced, threatened, intimidated, or coerced;
- They are sleeping, passed out, or unconscious;
- They are impaired as a result of alcohol or drugs;
- Their body language says no;
- They have a mental disability that does not permit them to give lawful consent;
- Consent is induced by someone abusing a position of power or authority over the person;
- They imply or state 'no' based on any of the above conditions

Bullying and Harassment:

Bullying and Harassment means:

- any inappropriate conduct or comment by a person towards an employee or volunteer that the person knew or reasonably ought to have known would cause that employee or volunteer to be humiliated or intimidated, or

- any other form of unwelcome verbal or physical behaviour which by a reasonable standard would be expected to cause insecurity, discomfort, offence or humiliation to an employee or volunteer or group of employees or volunteers, and has the purpose or effect of interfering with their work performance or creating an intimidating, hostile or offensive work environment.

However, Bullying and Harassment excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or volunteers or the place of employment.

Harassment:

Harassment means any inappropriate or unwanted behaviour by one member or visitor of CiTR and Discorder towards another member or visitor. This can take the form of hostile or unwanted conduct, verbal comments, actions, or gestures, which would affect the dignity or psychological or physical integrity of a member or visitor of CiTR and Discorder community and result in a harmful environment for such an individual.

Discrimination:

Discrimination means discrimination in employment or the provision of services based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, or criminal conviction which is unrelated to the person's employment. Discrimination includes Sexual Harassment, as defined below.

Sexual Harassment:

Sexual Harassment means any inappropriate or unwanted comment or conduct of a sexual nature. This includes:

- Making unwelcome sexual advances, propositions, flirtations or unwelcome requests for or efforts to make social contact, including asking questions about sexual conduct or sexual orientation or engaging in rumours or gossip about such information;
- Making or threatening reprisals after a negative response to sexual advances
- Demands for sexual favours;
- Making comments about an individual's body, sexual experience, sexual orientation or sexual deficiencies or using sexually degrading or vulgar words to describe an individual or making derogatory sexual comments;
- Displaying or distributing sexually suggesting or gender-based objects, pictures posters, cartoons, letters or emails;
- Touching a person's body without consent, including massages or hugging;
- Leering at a person's body;
- Placing a condition of a sexual nature on employment or volunteering (including any opportunity for training or promotion), or on the provision of services;

- Unwelcome innuendos, remarks, or joking about a person's gender, gender identity or expression, sex (including pregnancy and breastfeeding) or sexual orientation;
- Threats of a sexual nature;
- Any other unwanted verbal or physical conduct of a sexual nature.

This list of examples is not exhaustive or exclusive, and any Harassment of a similar nature will be dealt with under this procedure.

Sexual Assault:

Sexual Assault means any unwanted act of a sexual nature, which can include unwanted kissing, touching, or sexual intercourse, or any sexual contact without freely given consent. Sexual assault can be committed by anyone.

Reporting Person:

Means a Member of the CiTR or Discorder Community who discloses or reports that another Member of the CiTR or Discorder Community violated this policy. A Reporting Person may be either a victim or target of the alleged behaviour, or they may be a person who has witnessed or observed the alleged behaviour.

Responding Person:

Means a Member of the CiTR or Discorder Community accused of violating this policy.

Retaliation:

Retaliation means engaging in conduct that may reasonably be perceived to:

1. Adversely affect a Reporting Person or witness' living, working or learning environment because of their engagement of this policy and its associated procedures or because of their participation in an investigation under this policy;
2. Prevent a person from making a report, engaging this policy and its associated procedures or from participating in an investigation under this policy.

Policy:**Confidentiality**

Given the sensitive nature of matters covered under this policy, when a Reporting Person discloses or reports an incident, they may request that their reportage remain confidential, to the extent possible and except where disclosure is necessary to investigate or resolve a complaint or report.

Ensuring confidentiality is a key principle in creating an environment and culture where individuals feel safe to disclose or report, and seek support and accommodation. CiTR and Discorder are committed to ensuring such an environment and culture exists, and that the

Reporting Person's wishes are prioritized, and the privacy and confidentiality of a Responding Person will also be respected.

There are, however, limits to confidentiality under specific circumstances such as where:

1. An individual is determined to be at imminent and serious risk of harming themselves;
2. An individual is determined to be at imminent and serious risk of harming another;
3. There is considerable suspicion that a minor is involved as a victim of assault;
4. Records are subpoenaed by a court of law, or disclosure is otherwise required by law.

Any member of the CiTR and Discorder community who receives a disclosure or report is expected to treat it with confidentiality.

The core CiTR and Discorder staff members will be required to sign a confidentiality agreement with respect to receiving disclosures or reports of any of the behaviours covered by this policy. In the instance that a staff member who has received a disclosure or report feels it necessary to bring another staff or Board member into the conversation, they will ensure that the Reporting Person is aware of this decision, unless the circumstances 1-4 (above) apply.

Support

Steps will be taken to ensure the person who has experienced any behaviours covered by this policy has their lead followed in the process after a disclosure or report is made. CiTR and Discorder are able to offer these individuals information regarding support services both internal and external to CiTR and Discorder, including accompaniments to external services if requested.

CiTR and Discorder will consider requests for accommodation from employees who have experienced any behaviours covered by this policy, including imposing appropriate and reasonable interim measures pending conclusion of an investigation or determination of final resolution.

CiTR and Discorder will not tolerate any Retaliation, directly or indirectly, against anyone who, in good faith, reports, gives evidence or otherwise participates in a process under this Policy.

Disclosure

In the case of an incident(s) of Bullying and Harassment, Discrimination or Sexual Harassment or Assault, the person who has experienced these behaviours may choose to make an informal disclosure of the incident to CiTR's Station Manager or Volunteer Manager. If the individual does not feel comfortable with approaching either of these staff members, they may approach another staff member, or member of CiTR and Discorder's Board of Directors.

In the informal disclosure process, the staff or Board of directors member who receives the disclosure will not make any written report, unless the specific circumstances #1-4 as listed in the “Confidentiality” section of this policy apply. The staff or Board of directors member will work with the disclosing individual to determine what supports they would like, and help them to access outside support if necessary.

Where an informal disclosure is made, no investigation of the complaint will be undertaken by CiTR or Discorder.

Reporting

In the case of an incident(s) of Bullying and Harassment, Discrimination or Sexual Harassment or Assault, the person who has experienced these behaviours who is choosing to make a formal report (the “Reporting Person”) should approach the Station Manager or Volunteer Manager. If the Reporting Person does not feel comfortable with approaching either of these staff members, they may approach another staff member, or member of CiTR and Discorder’s Board of Directors.

It is the duty of the person receiving the formal report to ensure that the Reporting Person is aware of the outcomes that may result from a formal report, including an investigation into their complaint or report.

In the formal reporting process, the staff or Board of directors member who receives the formal report will make a written report of the incident(s). The initial report and any subsequent reports will be stored in a locked cabinet in the Station Manager’s office, unless the circumstances of the report necessitate storage outside the CiTR and Discorder office. In this instance, the staff or Board of directors member who received the report(s) will determine the most secure place for them, with the approval of the Reporting Person.

If both parties involved are students of the University of British Columbia, the Reporting Person may choose to pursue the University of British Columbia’s non-academic misconduct process, in which case the Reporting Person has access to the UBC Ombudsperson. The Reporting Person also has access to the Alma Mater Society Ombudsperson.

The Reporting Person also has the option of filing a complaint or report with a third party, including law enforcement, if the behaviours complained of are of a criminal nature.

Investigation

Where a formal report is made by a Reporting Person, it will be investigated by CiTR and Discorder, following the process set out below. All reports/complaints will be taken seriously, and will be dealt with fairly and promptly.

If the subject matter of a formal complaint or report fits within the definitions of Bullying and Harassment, Harassment, Discrimination, Sexual Harassment or Sexual Assault, it will be investigated. The investigation will be approached in an unbiased manner. An investigator will be appointed by the Board of Directors, and that investigator may be internal or external to CiTR and Discorder, depending on the circumstances of the complaint or report.

Both the Reporting Person and the Responding Person are entitled to a fair hearing. Both will be interviewed, as well as any other witnesses. The Responding Person will be given the details of the complaint or report, and will be provided with a reasonable opportunity to respond.

All investigation proceedings will be documented and upon completion of the investigation, the assigned investigator will file a confidential report of findings with recommendations. Both parties will be notified of the result of the investigation.

Resolution

If the complaint is found to be substantiated and the Responding Person is a member of the CiTR and Discorder community, CiTR and Discorder will refer to its Disciplinary Policy when deciding on remedial or corrective action. Disciplinary action may include action up to and including termination of the employment or volunteer relationship. The recommendation will be brought forth to CiTR and Discorder's Board of Directors for consultation and approval. Following this, CiTR and Discorder may do one or more of the following in addition to those processes outlined in the Disciplinary Policy:

- Request the Responding Person attend counselling or workshops before continuing to participate in the organization;
- Ban the Responding Person from CiTR and Discorder on the conditions set out under gross misconduct in the CiTR and Discorder Disciplinary Policy;
- Review and/or modify this policy and procedures.

CiTR and Discorder will work to the best of their ability to deal with disclosures and reports in a timely manner, and ensure that the safety of the disclosing or Reporting Person is the first priority throughout the duration of both the informal or formal process.

Complaints of Sexual Harassment and Assault, Bullying and Harassment or Discrimination are serious matters. Individuals who are found to have made false or malicious complaints may be subject to disciplinary action, up to and including dismissal.

Training

All CiTR and Discorder staff members and Student Executive will be required to complete an annual training session on the topics of creating safer spaces and the impacts of sexual

violence, as well as workplace bullying and harassment. These workshops will be open to the general membership of CiTR and Discorder, including members of the Board of Directors.

Review

This policy will be reviewed on an annual basis.