

Brandon University Students Union (BUSU) PROPOSED Amendments to the Brandon University Discrimination and Harassment Policy. March 14th, 2023.

Please note that these changes of definitions or language, if adopted, should be reflected in other policies with similar language ie Sexualized Violence and Violence Prevention policy

1. Amendment to the definition of Harassment to include this definition:

Improper use of power or authority inherent in a person's position; and that, in respect of a worker, threatens the safety, health, physical, and/or psychological well-being of the worker.

For the purpose of the definition "harassment" in section 1, "improper use" includes but is not limited to an action that is unreasonable, unfair, and/or inaction in the face of legitimate concerns.

RATIONALE

- a. Over the last 2 years, students have expressed concerns about behaviours and treatments they have experienced from faculty and staff at Brandon University. Some of these behaviours have been described as bullying in nature, and when reported to heads of departments, course instructors or Deans, matters were either disregarded, accompanied by unreasonable delays in addressing them, or they were not addressed at all.
- b. In all cases brought to BUSU, the students were not directed to the discrimination and harassment policy by the staff/faculty they reported to, nor were they assisted in contacting the DHRA per BU policy.
- c. Looking back to the soccer team issue from last year, we know that a staff member who ought reasonably to know BU policies on reporting, neglected to communicate student complaints to the appropriate office, nor did they direct them to the appropriate policy. This behaviour has been noticed in relation to discrimination and harassment complaints as well as with other faculty members.
- d. This definition addresses the power imbalance, which is usually the foundation of most complaints regarding bullying or discriminative behaviour seen between students and staff/faculty. It also addresses negligent/dismissive behaviour on the part of those who receive the complaints and take no action. This improper use of power/authority has negative impacts on students, often discouraging them from coming forward with complaints and promoting the continuation of bullying behaviours. This in turn negatively affects the image of Brandon University as Brandon University may appear negligent in addressing concerns of this nature.
- e. The current Discrimination and harassment policy is due for review (every 3-5 years). 2023 is the 4th year since the last update to the policy.

2. Changes to specific wordings within the policy

Current Policy:

*“When a concern has been brought to a member of the University community, they are **encouraged** to give the complainant a copy of the Discrimination and Harassment Prevention Policy and Procedures (the Policy and Procedures) and assist the complainant in contacting the DHRA.”*

- Changing “Encouraged” to - “Mandated to, Must or required to” for members of the BU community in positions of authority. .
- Adding timelines to this part of the process.

Proposed policy wording:

*“When a concern has been brought to a member of the University community, they are encouraged to give the complainant a copy of the Discrimination and Harassment Prevention Policy and Procedures (the Policy and Procedures) and assist the complainant in contacting the DHRA. **If the concern is brought to a member of Brandon University in a position of Authority, they are encouraged to give the complainant a copy of the Discrimination and Harassment Prevention Policy and Procedures (the Policy and Procedures) and are mandated to report the concern to the DHRA and/or assist the complainant in contacting the DHRA within a reasonable timeframe”.***

OR

*“When a concern has been brought to a member of the University community, they are encouraged to give the complainant a copy of the Discrimination and Harassment Prevention Policy and Procedures (the Policy and Procedures) and assist the complainant in contacting the DHRA. **If the concern is brought to a member of Brandon University in a position of Authority, they are encouraged to give the complainant a copy of the Discrimination and Harassment Prevention Policy and Procedures (the Policy and Procedures) and required to report the concern to the DHRA and/or assist the complainant in contacting the DHRA within a reasonable timeframe”.***

RATIONALE

- a. In all cases brought to BUSU where students complained of bullying and reported to a staff/faculty, the students were not directed to the discrimination and harassment policy by the staff/faculty they reported to, nor were they assisted in contacting the DHRA per BU policy.
- b. If employees are only “*encouraged*” to report concerns of harassment and workplace discrimination, then the employer (BU) may not know if such is occurring, as individuals may decide not to report these cases. This puts BU in a position where it may be seen as complacent in important matters of discrimination and harassment.
- c. Especially seeing what happened with the recent soccer team issue where a member of the BU community did not report the concern within a reasonable amount of time. There were significant negative impacts on the victims, as well as on the image of BU. Timelines are important as delays may result in

significant physical, mental, psychological and emotional trauma or damage to the victim.

- d. This wording, in addition to the lack of timeframes, essentially leaves it up to the individual to whom the complaint was reported to decide when and whether the complaint is addressed by the appropriate office. The lack of timelines also encourages delays in reporting. Unclear language like this promotes the inaction, burying, or dismissal of complaints. Reports of discrimination and harassment are very serious and must be reported to the appropriate office (DHRA) equipped with the know-how to make certain determinations within reasonable timelines, so the victim does not feel discouraged coming forward with their complaint.
- e. The current Discrimination and harassment policy is due for review (every 3-5 years). 2023 is the 4th year since the last update to the policy.

3. Adoption of accountability actions for managers, supervisors, and people in authority when they do not appropriately address complaints/issues that fall within this policy.

RATIONALE

- a. Although the current policy outlines the responsibilities of managers, supervisors and those in authority, without consequence for departures from these responsibilities, there is no accountability.
- 4. Adoption of yearly or per-term workshops or discussions about this policy at general faculty councils and faculty meetings to promote awareness of the implications/responsibilities of this policy.**

RATIONALE

- a. On multiple occasions, where BUSU members have met with some faculty at various committees, many seemed unaware of this policy, or the responsibilities attached to it.