

Columbia College

Columbia's Commitment to Human Rights and Diversity Policy

NOTE:	Clarification of Terms
Must; Shall; Will:	These words or phrases indicate actions or activities that are <i>essential</i> or <i>mandatory</i> .
Should:	This word implies that it is highly desirable to perform certain actions or activities, but not essential or mandatory.
May or Could; Can:	These words imply freedom or liberty to follow an alternative to the action or activity being presented in a document.

INTRODUCTION

Columbia College has been highly committed to supporting human rights and diversity since the College was first established. It prides itself on having offered an employment training program since 1987 to adults who are intellectually disabled. It has offered English Language Learning programs and Academic Upgrading to adults from diverse backgrounds since the mid-1990s. Columbia College's Diversity Statement which states its commitment to human rights and diversity has been in effect since 2012. Accessibility services are provided to students who face various barriers to accessing education and struggle with learning, including students with permanent and temporary disabilities.

One of Columbia College's key goals is to prepare learners to take their place as strong moral, ethical, respectful, and caring members of society. To achieve these goals, the College must be a safe place where the pursuit of learning is reflected in the freedom for learners to express themselves and explore new ideas. To assist learners in better understanding each other, as well as, understanding those from diverse backgrounds, many programs at the College include courses, topics, or units of study where human rights and diversity issues are appropriately introduced and addressed.

Faculty must be free to facilitate learning, encourage the development of knowledge and thoughtful dialogue and provide the guidance needed for learning and practicing the skills required in their profession. Our Student Code of Conduct (ADM-P229) provides the students and College community with the principles, guidelines and procedures necessary for encouraging, supporting, and maintaining appropriate behavior at the College and at activities associated with the College with the objective of facilitating a respectful learning environment where all students have the opportunity to be successful. Our Employee Handbook (ADM-M004) provides information to help employees understand their rights and responsibilities and contains a Code of Conduct. New faculty and staff are made aware of the College's commitment to human rights and diversity when they first inquire about employment.

PURPOSE

The purpose of this policy is to clearly state Columbia College's commitment to developing, supporting, and maintaining a learning environment that is truly inclusive, welcoming, caring, respectful and safe. The College fosters diversity, a sense of belonging, an understanding of one another, and helps each person build a positive sense of self. This policy applies to all members of the College community engaged in duties or College-related activities, on or off campus, that have a substantial connection to the College.

PRINCIPLES

The College's Human Rights and Diversity Statement (presented below) represents the values, beliefs and commitments of the College.

Columbia's Commitment to Human Rights and Diversity Statement

We, at Columbia College, welcome, value, celebrate, and respect individuals of all races, ancestry, religious belief, marital status, age, disability, sexual orientation and gender, including gender identify and expression.

We seek to foster understanding and respect among individuals and groups through education and constructive approaches for resolving misunderstandings and conflict.

We believe the differences in beliefs and opinions and diversity of cultures and customs among our students and staff challenge each of us to better understand one another. This often difficult process increases our understanding and acceptance of others and makes us stronger citizens, more compassionate learners, and more effective future leaders in our community and the world.

We affirm the right to freedom of thought and expression of opinion within the bounds of courtesy, sensitivity, responsibility, and respect to others with different views, and life styles.

We are committed to treating all persons with dignity and respect in an honest, open, fair, and friendly manner.

We are committed to the highest standards of civility and decency toward all.

We are committed to promoting and supporting a learning community where all people can learn and work together in a safe and secure atmosphere free of fear, bias, discrimination, harassment, bullying, and other negative treatment.

We are committed to the laws of our country and to the development and enforcement of policies, programs, and practices that promote the fulfillment of these principles.

In regard to the above statement, the following expands on Columbia College's values, beliefs, and commitments regarding human rights and diversity.

ALBERTA HUMAN RIGHTS ACT - PROTECTED AREAS AND GROUNDS

The Act prohibits discrimination in the following areas:

- statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public
- goods, services, accommodation or facilities customarily available to the public
- tenancy
- employment practices
- employment applications or advertisements
- membership in trade unions, employers' organizations or occupational associations

Protected areas and grounds under the *Alberta Human Rights Act* Prohibitions regarding complaints

The *Alberta Human Rights Act* prohibits a person from retaliating against any person who has made a complaint, or given evidence about a complaint, or assisted another person in making a complaint under the Act. If a person believes someone has taken retaliatory action against them for any of these reasons, the person may make a complaint under the prohibitions section of the Act. The Act does not allow a person to make a frivolous or vexatious complaint with malicious intent. Anyone who has reason to believe that such a complaint has been made against them may make a complaint under the prohibitions section of the Act.

Protected grounds

The Act provides protection from discrimination under the following protected grounds:

Ancestry: Belonging to a group of people related by a common heritage.

Age: Age is defined in the Act as “18 years or older.” Persons who are 18 years or older can make complaints on the ground of age.

Colour: Colour of a person’s skin. This includes, but is not limited to, racial slurs, jokes, stereotyping, and verbal and physical harassment.

Family status: Being related to another person by blood, marriage or adoption.

Gender: Being male, female or transgender. Also protected under gender are pregnancy and sexual harassment. (Trans or transgendered: Is an umbrella term referring to people with diverse gender identities.)

Gender Identity: Refers to a person’s internal, individual expression of gender, which may not coincide with the sex assigned to them at birth. A person may have a sense of being a woman, a man, both or neither. Gender identity is not the same as sexual orientation. (Alberta Human Rights Commission)

Gender Expression: Refers to the varied ways in which a person expresses their gender, which can include a combination of dress, grooming, demeanor, social behavior and other factors. (Alberta Human Rights Commission)

Marital status: The state of being married, single, widowed, divorced, separated or living with a person in a conjugal relationship outside marriage.

Mental disability: Any mental disorder, developmental disorder or learning disorder regardless of the cause or duration of the disorder.

Physical disability: Any degree of physical disability, deformity, malformation or disfigurement that is caused by injury, birth defect or illness. This includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog, wheelchair or other remedial appliance or device.

Place of origin: Place of birth.

Race: Belonging to a group of people related by common heritage.

Religious beliefs: System of beliefs, worship and conduct (includes native spirituality).

Sexual orientation: This ground includes protection from differential treatment based on a person's actual or presumed sexual orientation, whether homosexual, heterosexual or bisexual.

Source of income: Source of income is defined in the Act as lawful source of income. The protected ground of source of income includes any income that attracts a social stigma to its recipients, for example, social assistance, disability pension, and income supplements for seniors. Income that does not result in social stigma would not be included in this ground.

In addition to the areas and grounds discussed above, the Act protects Albertans in the area of equal pay. When employees of any gender (female, male or transgender) perform the same or substantially similar work, they must be paid at the same rate.

DEFINITIONS

For the purposes of this Policy and related procedures and information, the following terms have the following meaning:

College Community: All faculty, staff, and students who are members of Columbia College and those who may be visiting the College at a given time.

Discrimination: Refers to differential treatment of individuals, or groups of individuals, on the basis of protected grounds (race, colour, ancestry, place of origin, religious beliefs, gender, including gender identity and expression, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation) under the Alberta Human Rights Act.

Harassment: Occurs when someone is subjected to unwelcome comments or conduct, whether in person or through other forms of contact, consisting of words or actions that are humiliating, intimidating or demeaning. Harassment may take many forms and exhibit itself in a number of ways from direct face-to-face contact to using electronic means such as cyber-bullying. Behaviour does not need to be intentional to constitute harassment.

Harassment includes bullying. Bullying is a conscious, willful, deliberate, repeated, and hostile activity marked by an imbalance of power, intent to harm and/or threat of aggression. It can be verbal (name-calling, put-downs, threats, homophobic bullying), social (exclusion, gossip, ganging up), physical (hitting, damaging property), or cyber-bullying. (Alberta Education).

Examples of bullying may include:

- Repeated or continuous incidents of yelling, screaming or name-calling;
- Repeated or continuous threats to terminate employment or contracts for reasons unrelated to performance;
- Repeated or continuous threats to withdraw funding, employment or advancement opportunities for reasons unrelated to performance;
- Inappropriate and unsubstantiated comments addressed to a person that has the effect of undermining a person's role in the workplace or learning situation.

Cyber-bullying: Refers to bullying and harassment by use of electronic devices through means of email, instant messaging, text messages, blogs, mobile phones, pagers, and websites. Cyber-bullying may also include threats, sexual remarks, pejorative labels (.e. hate speech).

Harassment includes Sexual Harassment. Sexual Harassment describes discrimination based on the ground of gender which is prohibited under the *Alberta Human Rights Act*. It is any unwelcome sexual behaviour that is often coercive and directed by one person toward another. Sexual Harassment can be expressed in many ways, from very subtle to very obvious, through any of the following: suggested remarks, sexual jokes, compromising invitations, verbal abuse, verbal display of suggested images, leering or whistling, physical assault, outright demands for sexual favours. The above includes harassment due to gender identity and expression.

Harassment due to Diverse Sexual Orientations, Gender Identities and Gender Expressions. Students and staff have the right to be open about who they are, including expressing their sexual orientation, gender identity or gender expression without fear of unwanted consequences or harassment. This includes the right to establish a voluntary organization or lead an activity to promote a welcoming, caring, respectful and safe learning environment that promotes diversity, including gay-straight or queer-straight alliances according to the guidelines and procedures established by the College.

Harassment includes Hazing. Hazing is any act which endangers, or could reasonably be seen to endanger the well-being of a student for purposes of admission, affiliation, or as a condition of belonging to a group.

Harassment does not include:

- Constructive feedback as part of a legitimate performance review with the goal of improving performance;
- Coaching for the sole purpose of improving performance;
- Legitimate job or work-related instructions that are necessary to perform a job;
- Constructive feedback on student work (term papers, presentations, etc.) with the goal of improving student success.

MISCONDUCT

Misconduct refers to a breach of personal conduct that violates the values, beliefs, principles and commitments of the College as stated in this policy. The College expects the highest standard of professionalism from its College community. This policy and the procedures for resolution (Student and Employee Incident and Grievance Policy ADM-P030) are based on the principles of fairness, Natural Justice and Restorative Justice and are reflected in their interpretation and administration. The process of restitution allows an individual an opportunity to repair the damage done to a relationship, and/or to reimburse for damages done or misappropriation of property.

Natural Justice: English legal system doctrine that protects against arbitrary exercise of power by ensuring fairness in decision-making. Natural Justice is based on two fundamental rules: (1) The person affected by the decision will be given appropriate notice of the case being considered, be given information about the specific aspects that are under discussion and decision, and given the opportunity to make a submission (written or oral). (2) The decision-maker(s) will be unbiased. (Lakehead University Ombudsoffice – text by Nora Farrell, Ombudsperson, Ryerson University).

Restorative Justice: This is an approach to justice where an injury or wrong done to another person or state is the main focus, rather than solely the breaking of the law. While the goal is to have a suitable response to the occurrence, it is most important to restore a damaged relationship. The offender has the obligation to provide reparation (restitution) or compensation to the victim and to the community. The community is responsible for defining standards or acceptable conduct and determining what can be done – materially or symbolically – to repair

the damage when these standards have been broken. The community is also responsible for providing support to the victim and the offender in resolving the conflict. (Adapted from Government of Canada, Department of Justice – <http://www.justice.gc.ca>.)

MISCONDUCT PROCEDURE

The College clearly outlines the procedures to be followed in these matters in its Employee and Student Incident and Grievance Policy (ADM-P030).

IMPLEMENTATION

The communication of this Policy is made through a number of mechanisms, including employee and student orientations, College handbooks, and the College website. Professional learning opportunities will be provided for staff to build capacity to understand the concepts of human rights and diversity, including how to support individuals with diverse sexual orientations, gender identities and gender expressions.

APPEAL PROCESS

A student may appeal a decision arising from this policy by following the Student Appeals Policy and Procedure document (ADMP177) located on the Columbia College website, request it from the Main Office, Bldg. 802 or from the Program Chair/Director/Coordinator. While pursuing an appeal, the Disciplinary Action/sanction will remain in effect, pending the outcome of the appeal process.

A member of staff may appeal a decision directly to the President.

READMISSION OF STUDENTS WITH RECORDS OF MISCONDUCT

The College believes that an individual may make a mistake and after engaging in a process of restitution or other appropriate corrective action, the student may be given another opportunity to return to the College campus and their program. This belief is in keeping with the principles of Natural Justice and Restorative Justice.

MISCONDUCT RECORDS

Student Incident Reports and records will not be placed in the student's general file. These will be stored in Confidential Files in the Registrar's office.

Employee Incident Reports and records will be filed in the Employee's Personnel File in the Human Resources Department.

ANNUAL REPORTING TO THE PRESIDENT AND ACADEMIC COUNCIL

An annual report detailing the types of cases and actions taken under this policy will be provided to the President and Academic Council. No names will be provided in this report.

REVIEW

This policy will be reviewed on an annual basis.

REFERENCES:

Alberta Human Rights Act; <http://www.qp.alberta.ca/documents/Acts/A25P5.pdf>
Personal Information Protection of Privacy Act (PIPA); <http://servicealberta.ca/pipa>
Freedom of Information and Privacy and Protection of Privacy Act (FOIP);
<http://servicealberta.ca/foip>

Guidelines for Best Practices: Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Identities and Gender Expressions;
<https://education.alberta.ca/media/1626737/91383>

RELATED COLUMBIA COLLEGE POLICIES AND DOCUMENTS

ADM-P151 – Attendance Policy and Regulations
ADM-P177 – Student Appeals Policy and Procedure
ADM-P229 – Student Code of Conduct
ADM-P030 – Employee and Student Incident and Grievance Procedure
ADM-P188 – Student Accommodation Policy
ADM-M004 - Columbia College Employee Handbook