

New Policies:

Anti-Harassment Policy

Preamble

Harassment is the abusive or degrading treatment of a person that has the effect of creating a hostile or intimidating environment for that person. Harassment may occur in the following situations:

- through the abuse of power that one person holds over another, or through the misuse of authority;
- through offending or demeaning a person on the basis of their ethnicity, colour, ancestry, place of origin, nationality, religion or religious beliefs, family or marital status, physical or mental disability, age, gender, sexual orientation, or gender identity or orientation language, whether these be actual or perceived; and/or
- through abusive treatment which leaves a person feeling threatened or intimidated.

Sexual harassment is a display, by word or deed, of sexual attentions towards another person of a nature which may be reasonably considered to be vexatious, abusive, or threatening. Without limiting the generality of that definition, sexual attention shall be deemed to be “vexatious, abusive, or threatening” if the harasser, directly or indirectly, offers the harassee an advantage or opportunity, real or perceived, in return for sexual favours, or directly or indirectly threatens or imposes on the harassed any denial of advantages or opportunity.

Harassment may include unwanted attention or solicitation which has the effect of interfering with an individual’s work or participation, or which creates a negative emotional, social, physical, or psychological environment for work or participation within MUNSU. For example: remarks, jokes or innuendoes about a person’s body, attire, age, marital status, gender, sexuality, sexual orientation, perceived sexual orientation or perceived gender identity or orientation; removal of personal items, or physical violence.

Although harassment typically involves a person in a superior position as the initiator, it is recognized that people in subordinate or equal positions may also be initiators. People of any gender can be harassed by another person or group of people of any gender.

Policy

MUNSU encourages a culture of participation and equity. Harassment of members,

directors, or staff will not be tolerated in any form. It is the prerogative of MUNSU to do everything in its power to protect members both proactively and reactively, and to increase safety at events. MUNSU shall employ the following procedure for dealing with complaints of harassment which occur at any MUNSU event, any MUNSU space, or by targeted means using the internet and/or social media. Throughout this process the principles of confidentiality and due process shall be strictly adhered to:

Advisor

MUNSU shall retain the services of a Harassment Advisor (hereafter noted as 'The Advisor'). The Advisor shall be experienced in dealing with incidents of harassment and sexual harassment, shall possess training in peer support, advocacy and active listening, and a minimum of one (1) year of demonstrable employment experience in a related field. The Advisor will be hired on retainer. A retainer agreement is a work-for-hire contract. A retainer fee will be paid on a fixed, negotiated rate

MUNSU Board of Directors Orientation

Time will be allocated for a presentation on anti-harassment, and the MUNSU Harassment Policy during orientation for the MUNSU Board of Directors. This presentation will be given by MUN's Sexual Harassment Office, and a representative of MUNSU will go over the MUNSU Harassment Policy in detail.

Complaints

Any participant at a MUNSU event who believes that they have been subjected to harassment is encouraged to utilize the following process for dealing with incidents of harassment. Should the person would like to make a direct request of the harasser in an attempt to prevent further incidents of objectionable behaviour, that person is encouraged to do so. Should the complainant wish, they may approach the Harassment Advisor, who shall then hear the complaint and counsel the complainant.

With the consent of the complainant, the Advisor may attempt to find an informal resolution to the incident by speaking with the alleged harasser and by acting as an intermediary between the two parties.

At any time, the complainant may launch a formal complaint. The Advisor may assist in the formulation of the complaint, and shall remain available to advise the complainant throughout the process.

The Harassment and Grievance Committee

For each formal complaint brought forward, a committee called The Harassment and

Grievance Committee (hereafter noted as The Committee), shall be struck composed of the Advisor (non-voting), one Executive Director, and two Directors from the MUNSU Board of Directors. Both the Executive Director and the Directors will be chosen by the Advisor and the identity of those on the committee will be made known to the complainant and the respondent. Committee members should not have been involved in the case previously. Once the Committee has submitted its report to the Board their work shall be considered done, and the Committee will be dissolved. Neither the complainant or the respondent may contact the Committee, unless responding to questions from the Committee. All communication from the complainant to the respondent to the Committee must be through the Advisor. Should either the complainant or respondent contact members of the Committee unsolicited, they must notify the Advisor.

The Advisor shall advise both the complainant and the respondent of the nature of the allegation, the process to be followed, and their rights within that process.

The Committee shall be empowered to undertake a confidential and independent investigation of the complaint, led by the Advisor who shall identify and call people to be interviewed by the committee where appropriate. At all times the committee shall be cognizant of and respect the right of each party to know and respond to all allegations, as well as the principles of natural justice.

The complainant shall reserve the right to discontinue proceedings at any time.

All proceedings and records of the committee shall remain strictly confidential.

Should the complainant discontinue the process due to fear of repercussion an option to investigate the basis of these concerns shall be made available to the complainant. A plan for formal resolution shall be invoked if the complaint is validated by the Committee's investigation. This investigation will follow the model of a complaint of harassment.

Remedies

Should the Committee determine that the incident(s) did constitute harassment, it may provide for a remedy. Any remedy should take into account such factors as the severity and frequency of the harassment, whether the harassment was deliberate or inadvertent, and any circumstances that either aggravated or mitigated the situation.

Remedies may include but shall not be limited to the following: a written apology from

the harasser to the harassee, recommendations for outside sensitivity training for the harasser, the option for counseling for the harassee, and prevention of contact between the parties where possible, which would be in the form of a written agreement between the parties to avoid contacting each other where possible, both may attend the same events but should not have direct contact with each other at that event, or indirect contact with each other through other parties.

A simple majority shall determine the decision of the Committee. Reprisals constitute further harassment. An appeal to the resolution must be made in writing, stating the grounds of the appeal, to the Advisor or one of the Directors, of the MUNSU Board.

Appeals

An appeal may be launched within 90 days or within the term of the MUNSU Board of Directors that received the original complaint. Any appeal must be made in writing, stating the alleged breach(es), to the Advisor.

The Committee shall consist of the Advisor, one representative chosen by the appellant, and one representative appointed by the MUNSU Board of Directors. No member of the appeals committee shall have any previous involvement with the case. The appeals committee shall hear submissions from both the respondent and the appellant regarding the legitimacy of the process followed, the suitability of the remedy, or the finding(s) in question, and shall render their decision by a simple majority.

Records

Records of all cases shall be confidentially maintained by the MUNSU General Office and only active Committee members shall have access to these files, on a need-to-know basis, based on the relevancy of the file to the case they are currently working on.

Policies to be updated:

6. LBGTQ2S+ Issues

1. The Memorial University of Newfoundland Students' Union will support equal rights, equity seeking measures, and justice for anyone who identifies as part of the queer community, including but not limited to: lesbian, gay, bisexual, two-spirited and transgender students.
2. The Memorial University of Newfoundland Students' Union will work with campus and community groups to lobby the administration of Memorial University and the government of Newfoundland and Labrador to improve the lives of people who are express marginalized genders, sexual orientations, and identities in the workplace, in the home, and in public spaces, including but not limited to: the right to gender expression, the right to bathrooms, and the enforcement of anti-hate speech and anti-harassment legislation.
3. The Campaigns and Actions Committee will work with MUNSAGA, Intersections, and other community partners to develop and undertake campaigns work with the goal of toward achieving equal rights for lesbian, gay, bisexual, two-spirit and transgender persons including, but not limited to, same-sex marriage, gender expression, anti-harassment, and the respect of pronoun use and gender identity on the university campus.
4. MUNSU opposes any question on a blood donor questionnaire dealing with sexual orientation rather than sexual practise. MUNSU will advocate for a blood collection screening process that is not based on sexual orientation or gender.
5. MUNSU will use language that does not prescribe to the gender binary where appropriate. Singular they and them will be used in documentation to replace gendered language.

Adopted: November 2002. Amended: