

HUMAN RIGHTS POLICY

Policy Name: Human Rights	Responsible Owner: AVP, Human Resources and VP, Student Affairs	Created: 2018 Jun
Policy Number: A59	Approval Body: Senior Management Team	Last Reviewed/Revised: 2024 Apr
Category: Administration	Replaces: N/A	Next Review: 2027 Apr

TABLE OF CONTENTS

- A. PURPOSE**
- B. SCOPE**
- C. DEFINITIONS**
- D. POLICY STATEMENTS**
- E. PROCEDURES**
- F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES**
- G. RELATED ACTS AND REGULATIONS**
- H. RELATED COLLECTIVE AGREEMENTS**

A. PURPOSE

Douglas College (the College) is committed to providing a working and learning environment that is free from systemic bias and other impediments to the full and free participation of all members of the College Community in the academic, social, political and cultural life of the College. This policy articulates the obligations of all members of the College Community to behave in a manner consistent with this commitment, and establishes procedures for filing, investigating and resolving Complaints of Discrimination on the grounds protected by the BC [Human Rights Code](#).

B. SCOPE

This policy applies where the person adversely affected by an alleged incident of Discrimination is a College Employee or Student and where the alleged incident occurred

- a. on College Property,
- b. off College Property in connection with an event or activity sponsored, organized, led or required by the College, or
- c. in other circumstances that may adversely affect the working or learning environments at the College, or the College’s interests or reputation.

Limitations of Scope

This policy is designed to complement and not to conflict with the College’s collective agreements. If there is any inconsistency between this policy and a collective agreement, the applicable collective agreement provision(s) will prevail to the extent of the inconsistency.

This policy will not be applied in such a way as to detract from the rights of Employees and Students to engage freely and respectfully in frank discussion about controversial issues, or to limit discussion, prohibit instructional techniques or prohibit course content that advocates controversial positions, provided that such discussions, techniques or activities are also freely and respectfully conducted.

Application of Other College Policies

Conduct that violates this policy may also violate other College policies, such as but not limited to the following:

- For bullying and harassment of an Employee, including Students who are also Employees and who experience the bullying and harassing behaviour while acting in their capacity as Employees, see also the *Bullying and Harassment Prevention and Response* policy;
- For bullying and harassment of a Student who is not also an Employee, where that bullying and harassment is alleged against other Student(s) who are not College Employees, see also the *Student Non-academic Misconduct* policy;
- For violence, violent misconduct or the threat of violence that is sexual in nature, see also the *Sexual Violence and Misconduct Prevention and Response* policy; and
- For all other forms of violence or the threat of violence, see also the *Violence Prevention and Response* policy.

C. DEFINITIONS

College Community: All College Employees, Students and Board members, and any other person contractually obligated to comply with College policy.

College Property: In addition to the College's physical campuses and centres, includes, for the purposes of this policy, technology and technological spaces—such as online learning platforms and social media networks—that are relied upon by Students and/or Employees in the completion of their studies and/or work.

Complainant: A person who files a Complaint. In instances where the College becomes aware of allegations of Discrimination that, if true, would violate this policy but no person comes forward with a Complaint, or where an investigation is required by law, the College may initiate an investigation.

Complaint: A written statement alleging violation(s) of policy.

Discrimination: Within the meaning of the BC [Human Rights Code](#), the intentional or unintentional differential treatment of an individual or group because of,

- a. for an Employee, the person's Indigenous identity, race, colour, ancestry, age, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or gender identity or expression, or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the Employee's employment with the College; or,

- b. for a Student, the person's Indigenous identity, race, colour, ancestry, age, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or gender identity or expression.

Discrimination includes Sexual Harassment, as defined below.

A person does not contravene the BC [Human Rights Code](#) or this policy where a bona fide occupational requirement or a bona fide reasonable justification for the Discrimination is established, or where the alleged Discrimination relates to a bona fide pension plan or group insurance plan.

Employee: A person employed by the College, including administrators, faculty members and staff, and Students when employed by the College (e.g., as Student Assistants or Peer Tutors).

Harassment: Conduct or comments, directed at an individual or a group, that are unwelcome and that are known or ought reasonably to be known to have detrimental effect on the working or learning environment or to lead to adverse job-related or academic-related consequences for the person(s) harassed. When Harassment is based on a prohibited ground, it is discriminatory [*see definition of Discrimination, above; and for Sexual Harassment, see definition below*].

Investigator: A person appointed to investigate a Complaint.

Party/Parties: The Complainant(s) and/or Respondent(s) named in a Complaint under policy.

Respondent(s): A person or persons alleged to have engaged in conduct that violates policy.

Responsible Administrator: An executive of the College, or an administrator responsible for the operations of a College department, Faculty, or service area (e.g., Dean, Director, Chief Information Officer, Registrar).

Retaliatory Action: Any adverse action taken against a person because that person reports or alleges a violation of policy, seeks advice on making a Complaint, makes a Complaint, or co-operates in an investigation of a Complaint.

Sexual Harassment: Conduct or comments of a sexual nature that are unwelcome and that detrimentally affect the working or learning environment or lead to adverse job- or education-related consequences for the person(s) harassed. Examples of Sexual Harassment include, but are not limited to, the following:

- a. unwanted touching;
- b. unwelcome sexual flirtations, advances or propositions;
- c. sexually suggestive, obscene or degrading comments or gestures;
- d. offensive jokes of a sexual nature;
- e. leering or staring;
- f. displaying or circulating pictures or other material of a sexual nature; or
- g. unwelcome questions or remarks about a person's sex life, appearance, clothing.

Student: A person enrolled in studies at the College in credit or non-credit courses.

Support Person: A member of the College Community who is able to offer confidential support to participants in an investigation (i.e., to either Party or a witness), and who may accompany the participant to any meetings relating to the process; the Support Person is not a party to or participant in the investigation.

D. POLICY STATEMENTS

1. Douglas College is committed to promoting and maintaining a working and learning environment that is free from Discrimination, and to providing fair and equitable access to opportunities and College services.
2. Discrimination is prohibited and will not be tolerated.
3. All members of the College Community have the right to work and learn in an environment that is respectful, inclusive and free from Discrimination, and the right to the equal protection and benefit of all College policies and practices without Discrimination.
4. All members of the College Community are required to become knowledgeable about their rights and obligations under this policy, and must behave in a manner consistent with this policy.
5. Any breach of this policy by a member of the College Community represents serious misconduct and is grounds for disciplinary sanction, which may include, where appropriate, suspension or dismissal.
6. All users of College facilities and visitors to the College, including Students, College Board members, contractors and their employees and agents, guest lecturers, visiting researchers and other third parties, are expected to conduct themselves in a respectful manner consistent with this policy. The College does not have jurisdiction to take disciplinary action against a person who is not a member of the College Community or who is not currently affiliated with the College; however, under certain circumstances the College may be able to take other action, such as revoking a person's access to College Property or a College event.
7. The College recognizes that while Discrimination can affect any member of society, its consequences may disproportionately affect individuals who experience intersecting forms of systemic Discrimination or barriers (e.g., on grounds of any combination of factors such as their Indigenous identity, race, colour, ancestry, place of origin, age, religion, marital status, family status, physical or mental disability, sex, sexual orientation or gender identity or expression), and individuals who occupy the less powerful position in a relationship characterized by a power dynamic (e.g., a Student in relation to an instructor, a staff person in relation to a supervisor).
8. The College recognizes its responsibility to increase awareness of Discrimination, to prevent its occurrence in the learning and working environment, to provide procedures for handling Complaints, to investigate allegations and Complaints, whether formally or informally, and to remedy situations where Discrimination has occurred.

9. The College is committed to addressing Discrimination through the following preventative measures:

- Requiring Employee completion of training programs offered through the College on Discrimination and the issues addressed in this policy;
- Actively promoting awareness of Discrimination through ongoing implementation of training and other programs;
- Assessing and managing risk, and promoting conditions throughout the College that seek to eliminate the potential for Discrimination to occur in the working and learning environment; and
- Regularly reviewing this policy and related procedures for effectiveness.

10. The College is committed to addressing Discrimination through the following response measures:

- Reducing barriers to filing Complaints regarding Discrimination;
- Establishing procedures for reporting, investigating and documenting incidents of Discrimination in a prompt, sensitive and procedurally fair, efficient and consistent manner; and
- Implementing appropriate corrective actions, such as educational and/or restorative actions, remedies or discipline as necessary or when a violation of this policy is found to have occurred.

11. The College reserves the right to investigate alleged Discrimination on its own initiative.

12. The College reserves the right to implement immediate interim measures it considers appropriate upon initial receipt of verbal or written report of the alleged incident(s) and pending the completion of an investigation. Such measures may include but are not limited to the following:

- Directing the Complainant, Respondent, witnesses or other parties to cease and desist from engaging in a particular type of behaviour;
- Restricting access to a College campus, specific areas of a College campus, online learning platform or work environment;
- Alteration of the learning or work schedule of an individual;
- Imposing a no-contact directive; and/or
- Temporary, non-disciplinary leave of an individual.

Where applicable, interim measures will be carried out in accordance with the provisions of the relevant collective agreement(s).

13. Complaints of Discrimination involve confidential and sensitive information. The College recognizes its responsibility to avoid or minimize circumstances that might reasonably be expected to cause participants distress, so that those who may have experienced Discrimination will feel free to come forward, and the reputations and interests of those accused are protected. All members of the College Community who are involved in Complaints

or investigations regarding alleged violations of this policy must maintain the confidentiality of any information they receive during the course of the process.

14. An Employee or a Student may have the right to pursue another process in connection with alleged Discrimination, such as reporting the matter to the police, filing a grievance or complaint under a collective agreement, initiating a civil action or filing a complaint under the BC [Human Rights Code](#). If another process is pursued, the College may elect to place its process under College policy in temporary abeyance, pending the outcome of the other process.
15. Retaliatory Action of any kind is prohibited.
16. The College will keep a written record of all Complaints and investigations, according to the College's [Record Series and Retention Schedule](#).

E. PROCEDURES

Nothing in the following procedures precludes early attempts by individuals to resolve their concerns directly and informally.

Safety Planning

Any Student or Employee affected by an incident of Discrimination may request a safety plan. Students may contact the Director, Safety, Security and Risk Management. Employees may contact the Associate Vice President, Human Resources.

Reporting Alleged Violations of this Policy

The College encourages and expects that incidents of alleged Discrimination will be reported promptly, regardless of whether the person reporting the alleged violation experienced or witnessed the conduct, when either the conduct has not been addressed directly and informally by the person(s) affected, or the person(s) affected are not satisfied with the outcome of any attempt at direct and informal resolution.

Informal Resolution

1. Employees and Students who believe they have experienced Discrimination, or any members of the College Community who believe they have witnessed Discrimination against a Student or an Employee and who feel comfortable doing so are encouraged to attempt to resolve the situation themselves, directly and informally, by bringing the matter to the attention of the person who has engaged in the conduct, advising them that the conduct is unwelcome and contrary to this policy, and asking that the conduct cease immediately.

2. The College does not recommend that any members of its Community attempt direct and informal resolution in circumstances in which anyone's personal safety may be at risk; in such situations, members of the College Community should seek immediate help and support.
3. Members of the College Community may seek assistance in resolving the matter informally. Informal resolution may include a co-operative and voluntary process, such as a facilitated or mediated conversation between the Parties, a restorative justice process or a healing circle. Assistance in pursuing an informal resolution may be found as follows:
 - Employees should approach their Responsible Administrator (RA), or consult with the Human Resources (HR) department for additional support. At the Employee's request, another appropriate College Support Person, such as a union representative, may participate in a supportive role alongside the Employee.
 - Students should consult the College Employee who is closest to the situation of alleged Discrimination and has some authority over the person whose conduct the Student wants to address (e.g., if the allegation relates to another Student in a course, the most appropriate Employee for the Student to speak to is the course instructor; if the allegation relates to an Employee, the most appropriate person for the Student to speak to is that Employee's supervisor).
4. The Complainant or Respondent may withdraw their participation from an informal resolution process at any time.

Submitting a Complaint of Alleged Discrimination

If the matter cannot be resolved informally, or if the Student or Employee does not wish to pursue informal resolution, the Student or Employee may file a Complaint in accordance with the procedure outlined below.

1. Complaints are to be submitted as follows:
 - Complaints filed by an Employee may be submitted to the Complainant's Responsible Administrator (RA) or to the Associate Vice President, Human Resources.
 - Complaints filed by a Student should be submitted to a Faculty Dean/Director.
 - Complaints against someone who is not a Student or an Employee should be submitted or forwarded to the Director, Safety, Security and Risk Management (SSRM).

Exception: If the Respondent named in the Complaint is the person to whom the Complaint would normally be submitted, according to the guidelines above, the Complainant should submit the Complaint to that person's supervisor or RA instead, as follows:

- If the Respondent is a Dean, Director or Registrar, the Complaint should be submitted to the appropriate member of the Senior Management Team (e.g., to the Vice President, Academic if the Respondent is a Dean; to the Vice President, Student Affairs if the Respondent is the Registrar, Director, Learning Resources or Director, Student Services);

- If the Respondent is the Director, SSRM, the Complaint should be submitted to the Vice President, Administrative Services and Chief Financial Officer;
 - If the Respondent is a Vice President or Associate Vice President, the Complaint should be submitted to the College President;
 - If the Respondent is the President, the Complaint should be submitted to the College Secretary and addressed to the Chair of the College Board.
2. Complaints must be made in writing; however, in circumstances where the Complainant is unable to submit a written Complaint, they may contact the appropriate recipient of the Complaint for accommodation, which could include accepting an initial verbal report or arranging for the verbal report to be written down by another party.
3. The Complaint should be dated and signed, and set out the following information:
 - The Complainant's full name, contact information and Employee or Student number (as appropriate);
 - Specific details about the alleged discriminatory comments, actions or other behaviours or violation of this policy, including the dates and locations they occurred;
 - A list of any potential witnesses; and
 - Where the Complainant has attempted to resolve the alleged violation(s) informally, the details about and results of those efforts.

Any relevant evidence that supports the allegations, such as text messages, emails or social media communications, should also be included with the Complaint.

4. Where the Complaint involves more than one Respondent, Complainants are encouraged, to the extent practicable, to address allegations about each Respondent separately.
5. A Complainant has the right to withdraw a Complaint at any stage of the process. However, the College may continue to act on the issue(s) identified in the Complaint where it is obligated by law or policy to do so.

Initial Review of Complaints

1. Upon receipt of a Complaint, the appropriate Responsible Administrator (RA) will within two (2) business days respond to the Complainant to acknowledge receipt of the Complaint and conduct an initial review to determine whether any immediate interim measures are warranted to ensure the safety of all Parties in the working and/or learning environment, pending full review of the Complaint. Where interim measures are warranted, the College will put such measures in place expeditiously.
2. Where the Complaint raises concerns of physical safety and/or the threat of imminent harm or danger to any member of the College Community, the RA will immediately notify the Director, Safety, Security and Risk Management, who will initiate Violence Threat/Risk Assessment protocols.

3. After acknowledging receipt of the Complaint and, where warranted, putting interim measures in place, the RA will within an additional ten (10) business days review the Complaint in full and do one of the following:
 - a. Where the allegations within the Complaint do not fall within scope of any conduct-related College policy, advise the Complainant in writing that the Complaint will not proceed and provide an explanation.
 - b. Where the allegations within the Complaint are found to fall within scope of any conduct-related policy, advise the Respondent in writing that a Complaint has been filed, and
 - i. with the agreement of both Complainant and the Respondent, refer the matter to an alternative resolution process, as outlined below; or
 - ii. appoint an Investigator to investigate the Complaint.
 - c. Where the Responsible Administrator (RA) believes that the Complaint discloses information that the College may be obligated to act on, whether under law or under another College policy or process, the RA will consult with the Director, Safety, Security and Risk Management, the Associate Vice President, Human Resources (or designate) and/or the Vice President, Student Affairs, as appropriate, and refer the Complaint or the relevant portions of the Complaint on, as warranted. When appropriate, the RA will advise the Complainant before referring the Complaint elsewhere; however, where the College has a duty to act, its actions are not subject to the Complainant's consent.
4. Under exceptional circumstances, where the RA is unable to meet the timelines set out above, the RA will inform the Complainant as soon as possible to inform them of a revised timeline.

Alternative Resolution Processes

The College recognizes that alternative resolution processes may be most appropriate when the Parties to the Complaint belong to the same group (e.g., they are both Students, both staff, both faculty members or both administrators), and less appropriate when there is a real or perceived power differential between Parties (e.g., one is a Student and one a faculty member, or one is a staff member and the other a supervisor). Participation in an alternative dispute resolution process is entirely voluntary. The Parties are under no obligation to participate in such a process.

1. The RA should consider the appropriateness and potential effectiveness of an alternative resolution process regardless of whether or not the Complainant attempted to address their concerns directly with the Respondent prior to submitting a written Complaint.
2. If the RA believes that an alternative resolution process may be appropriate, the RA will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the RA will contact the Respondent to discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the RA remains satisfied that an alternative resolution process is appropriate, the RA will explore the options available and, with the agreement of both Parties, refer the matter to that process for resolution.

3. If the Parties do consent to participate in an alternative resolution process, they may decide at any time to withdraw this participation, at which point the RA will appoint an Investigator to investigate the Complaint, as outlined below.

Investigations

Note: The following procedures do not apply to Complaints of harassment on the basis of a prohibited ground involving a faculty member as either Complainant or Respondent that meet the definition of “harassment” as defined in Article 2 of the [Common Agreement](#). Such Complaints will be addressed in accordance with the procedures in Article 2 of the Common Agreement.

If the matter cannot be resolved through an alternative resolution process, or if either Party declines to participate in an alternative resolution process, the College will investigate the Complaint in accordance with the procedures outlined here.

1. The College will appoint an Investigator to investigate the Complaint and establish the appropriate terms of reference for the investigation. Investigators may be external or internal to the College. In every case, prior to making an appointment, the College shall ensure that there are no grounds for a reasonable apprehension of bias on the part of the Investigator under consideration.
2. The College will identify for the Investigator the College policy or policies and any laws or regulations under which the investigation will proceed.
3. Where the misconduct is alleged to have taken place at an off-campus location (e.g., a practicum setting or worksite), the College will pursue appropriate action and investigation with the appropriate level of administration for that off-campus setting.
4. The College will advise participants in the investigation of the option to have a Support Person present for interviews.
 - For Students, this Support Person would normally be a representative of the Douglas Students' Union, a counselor or a person from Indigenous Student Services.
 - For unionized Employees, this Support Person would normally be a steward or Union representative.
 - For non-unionized Employees, this Support Person would normally be someone from the Human Resources department or from the same Employee group as the participant.

The Investigator has discretion to consider requests for others to serve as Support Persons. Investigators are encouraged to consider intersectional factors of vulnerability and/or systemic barriers faced by persons from underrepresented or marginalized groups, and to be receptive to inclusion of other Support Persons where such inclusion would serve to lessen such barriers or marginalization.

5. Investigations (including the preparation of the Investigator's report) will be completed expeditiously, and normally within one hundred twenty (120) calendar days of an Investigator's receipt of a Complaint. If during the course of an investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent and the Responsible Administrator (RA) as soon as possible to inform them of the revised timeline. Where the RA who received the Complaint is conducting the investigation, that RA will also notify other College administrators (e.g., the Associate Vice President, Human Resources (AVPHR), a Vice President or the Director, Safety, Security and Risk Management (SSRM)), as appropriate.
6. Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with civil or criminal trials will not be applied.
7. In all investigations, the Respondent will be informed of the allegations made against them and will be given a full opportunity to respond.
8. The Investigator will conduct the investigation using a procedurally fair and sensitive process, taking care to minimize or avoid circumstances that might reasonably be expected to cause participants distress (e.g., the Complainant having to come into direct contact with the Respondent). The investigation process may include, but is not limited to, the following:
 - a. Requesting a written response to the Complaint from the Respondent, including a list of any potential witnesses along with a description of the information those witnesses are expected to provide, and any relevant documents, including any text messages, emails or social media communications;
 - b. Meeting separately with or requesting further information from the Complainant;
 - c. Meeting separately with or requesting further information from the Respondent;
 - d. Meeting separately with or requesting further information from any other individuals who may have information relevant to the investigation; and
 - e. Obtaining any other evidence that may be relevant to the investigation.
9. At the completion of the investigation, the Investigator will submit a written report to the Responsible Administrator (RA) who appointed the Investigator. Where the RA who received the Complaint is conducting the investigation, that RA will also notify other College administrators (e.g., the AVPHR, Vice President, Student Affairs, the Director, SSRM and/or the RAs for the Parties), as appropriate. The report will normally include the following information:
 - a. A summary of the evidence considered;
 - b. Any assessment of credibility that is required to render a determination;
 - c. The Investigator's findings of fact; and
 - d. A determination as to whether, on a balance of probabilities, policy has been violated.
10. The College will provide the Complainant and the Respondent with the Investigator's findings and conclusions.

Investigative Outcomes

1. If the Investigator's report determines that Discrimination has occurred, or that this policy has otherwise been violated, the following will occur:
 - a. The supervising Responsible Administrator (RA) will determine what disciplinary or other measures are appropriate based on the findings in the report. Other measures may include the requirement that Parties to the investigation, or other members of the College Community affected by the Complaint or by the investigation, participate in workshops, education or training, or the recommendation that they participate in mediation or restorative processes.
 - b. Where suspension of a Student or an Employee is a potential outcome, the RA will refer the matter to the President for decision, in compliance with Section 37 of BC's [College and Institute Act](#).
 - c. The Respondent will be notified of the RA's decision regarding disciplinary or other measures to be taken against the Respondent. (Note: The College will disclose information regarding disciplinary actions taken against a Respondent only where it is authorized to do so for compelling health or safety reasons and in accordance with the [Freedom of Information and Protection of Privacy Act](#).)
 - d. The Respondent will be notified of the option to appeal, as described below.
2. If the Investigator's report determines that College policy has not been violated, the RA will dismiss the Complaint and so notify the Complainant and the Respondent. The Complainant will be notified of the option to appeal, as described below.
3. Whether or not the Investigator's report determines that Discrimination has occurred, or that this and/or any other College policy has otherwise been violated, the RA may
 - a. Direct Parties to the investigation or other members of the College Community affected by the Complaint or by the investigation to participate in workshops, education or training, or recommend that they participate in mediation or restorative processes; or
 - b. Refer the Investigator's report, or the relevant portions of it, to the appropriate College authority, if the RA believes that the report discloses other kinds of misconduct or information that the College may need to act on under another College policy or process.
4. A finding of misconduct and any sanctions imposed on a Respondent who is a Student or an Employee will form part of the Respondent's Student and/or Employee record. For findings against Student Respondents, the Office of Enrolment Services must be notified to place a notation of the sanction on the Student's file, and any finding of misconduct should be taken into account in the event of subsequent findings of misconduct against the Student.
5. Following an investigation, the RA (in consultation with the Associate Vice President, Human Resources (AVPHR), if the AVPHR did not receive the Complaint), will review and revise workplace procedures as appropriate, to prevent future Discrimination incidents. Appropriate corrective actions will be taken in a reasonable timeframe.

Appeals

1. A Complainant or Respondent may appeal the process followed by the Investigator only if there are grounds to show that due process was not followed or that the relevant policies were incorrectly applied during that process.
2. An appeal must be submitted in writing within ten (10) business days after receipt of the decision of the Responsible Administrator (RA). The written submission must provide specific grounds for appeal, describing how this policy was incorrectly applied or due process was not followed, and be directed as follows:
 - Students who are not Employees of the College must submit any appeals to the Vice President, Student Affairs.
 - Employees, including Student Employees, must submit any appeals to the person to whom the RA reports.
3. An appeal will not reconsider the original Complaint, although the person or body deciding the appeal has discretion to consider any new evidence that could not reasonably have been available at the time of the original investigation.
4. An appeal may be upheld or dismissed, in whole or in part, and/or referred back to the RA for reconsideration.
5. The person or body deciding the appeal will give reasons for the decision in writing. Their decision is final.

Confidentiality

1. Confidentiality from and about all persons and information involved in a Complaint of Discrimination is expected.
2. To protect the integrity, fairness and effectiveness of investigations, and to ensure compliance with BC's [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#), all participants in an investigation must act in accordance with the requirements set out below.
3. Individuals, including the Complainant and the Respondent, who have obtained personal information about an identifiable individual through the course of participating in an investigation must not disclose this information to anyone except their own personal advisors or representatives, or as required by law. However, this section does not prevent
 - a. Any participants in an investigation from disclosing information about themselves or from disclosing information that they have obtained outside the investigation; or
 - b. College representatives from disclosing investigation-related information as authorized under this policy.

4. The College will not disclose any personal information related to an investigation except to the extent that such disclosure is
 - a. Expressly authorized by the affected individual;
 - b. Made to a College representative on the grounds that it is necessary for the performance of that individual's duties (e.g., communicating to a supervisor any restrictions to the times of day or days of the week that an Employee may access specific College facilities);
 - c. Made to a Complainant, Respondent, witness or other participant in the investigation on the grounds that it is necessary for the conduct of the investigation;
 - d. Authorized by this policy;
 - e. Authorized or required under law; or
 - f. Deemed necessary to prevent imminent risk of harm to self or others in the College Community or wider community.
5. To maintain the integrity of the investigation process, the College must ensure that both Complainants and Respondents know the Investigator's findings.
6. Under the [Freedom of Information and Protection of Privacy Act](#), the College will authorize the disclosure of disciplinary actions it has taken against a Respondent only if such disclosure is necessary for compelling health or safety reasons (e.g., the College will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities).

Retaliatory Action, Breaches of Confidentiality, and Complaints Made in Bad Faith

1. Where a member of the College Community is found to have engaged in Retaliatory Action, or to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.
2. Where a member of the College Community is found to have filed a Complaint in bad faith, the College may take appropriate disciplinary action.

F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

[Administration Policies](#)

- *Accommodation Policy for Employees*
- *Bullying and Harassment Prevention and Response*
- *Sexual Violence and Misconduct Prevention and Response*
- *Student Non-academic Misconduct*

[Record Series and Retention Schedule](#) (for internal users only)

G. RELATED ACTS AND REGULATIONS

- BC's [Human Rights Code](#) [RSBC 1996], c. 210
- [College and Institute Act](#) [RSBC 1996], c. 52
- [Freedom of Information and Protection of Privacy Act](#) [RSBC 1996], c. 165

H. RELATED COLLECTIVE AGREEMENTS

- [Collective Agreement between Douglas College and the BC General Employees' Union \(BCGEU\)](#)
- [Collective Agreement between Douglas College and Douglas College Faculty Association \(DCFA\)](#)
(inclusive of the 2014 – 2019 *Common Agreement*)