

RESPECTFUL WORKPLACE POLICY

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A. PURPOSE

Douglas College is committed to providing a working environment where all Employees are treated with dignity and respect, and that is free from Discrimination, Bullying and Harassment.

This policy articulates the duty of all members of the College Community to refrain from engaging in workplace Discrimination or Bullying and Harassment, and establishes procedures for addressing and resolving complaints regarding violations of this policy.

B. SCOPE

1. This policy applies where
 - a. an incident of Discrimination or Bullying and Harassment is alleged to have occurred on College property, or off College property in connection with an event or activity sponsored by or under the auspices of the College; and
 - b. the person adversely affected by the alleged Discrimination, or Bullying and Harassment is a College Employee.
2. This policy is designed to complement and not 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.

C. DEFINITIONS

1. **Bullying and Harassment:**

- a. Any inappropriate conduct or comment by a person towards an Employee that the person knew or ought reasonably to have known would cause that Employee to be humiliated or intimidated; or
- b. 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 group of Employees, and has the purpose or effect of interfering with an Employee's work performance or creating an intimidating, hostile or offensive work environment.

However, Bullying and Harassment excludes any reasonable action taken by a College administrator or supervisor relating to the management and direction of Employees or the place of employment.

Examples of Bullying and Harassment include, but are not limited, to the following:

- a. words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- b. spreading malicious rumours;
- c. threats or intimidation;
- d. vandalizing personal belongings;
- e. physical assault or violence; and/or
- f. persistent rudeness, bullying, taunting, patronizing behaviour, or other conduct that adversely affects working conditions or work performance.

It is NOT Bullying and Harassment to:

- a. comply with professional, managerial or supervisory responsibilities to evaluate and report on the performance, conduct or competence of Employees;
- b. express reasonable opinions freely and courteously; or
- c. respectfully engage in honest differences of opinion.

2. **College:** Douglas College.

3. **College Community:** All College Employees and Students, and any other person who is contractually obligated to comply with this policy.

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

5. **Complaint:** A formal written complaint containing allegations of Discrimination or Bullying and Harassment or other violation(s) of this policy.
6. **Discrimination:** Discrimination in employment within the meaning of the *BC Human Rights Code*, 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 permitted by the *BC Human Rights Code* is not a breach of the Policy (i.e., where a bona fide occupational requirement is established, or where the alleged discrimination relates to a bona fide pension plan or group insurance plan). Discrimination includes Sexual Harassment, as defined below.
7. **Associate Vice President, Human Resources:** The College's Associate Vice President, Human Resources, or designate.
8. **Employee:** An employee of the College, including administrators, faculty and staff.
9. **Investigator:** A person appointed by the College to investigate a Complaint.
10. **Respondent(s):** A person or persons alleged to have engaged in conduct that violates this policy.
11. **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.
12. **Retaliatory Action:** Any adverse action taken against a person because that person reports or alleges a violation of this policy, seeks advice on making a Complaint, makes a Complaint, or cooperates in an investigation of a Complaint.
13. **Sexual Harassment:** Conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the work environment or leads to adverse job-related consequences. 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.

14. **Student:** A person who is enrolled as a student at the College in credit or non-credit courses.

D. POLICY STATEMENTS

1. Douglas College is committed to providing a working environment where all Employees are treated with dignity and respect, and that is free from Discrimination, Bullying and Harassment.
2. Discrimination, Bullying and Harassment are strictly prohibited under this policy.
3. A breach of this policy by a member of the College Community represents serious misconduct and may be cause for disciplinary sanctions including, where appropriate, suspension, dismissal or expulsion.
4. Contractors and their employees and agents, visitors to the College, and other third parties are expected to treat Employees 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.
5. The College recognizes its responsibility to increase awareness of Discrimination, Bullying and Harassment, to prevent their occurrence in the workplace, to provide procedures to handle Complaints, and to remedy situations where Discrimination or Bullying and Harassment has been found to have occurred.
6. The College is committed to addressing Discrimination, Bullying and Harassment by
 - a. implementing and actively promoting awareness and training programs to educate the College Community regarding Discrimination, Bullying and Harassment and the issues addressed in this policy;
 - b. promoting conditions that seek to eliminate the potential for incidents of Discrimination or Bullying and Harassment to occur in the workplace;
 - c. reducing barriers to filing Complaints regarding Discrimination or Bullying and Harassment; and
 - d. responding to Complaints in a procedurally fair and efficient manner.
7. The College strongly encourages all members of the College Community to become knowledgeable about Discrimination, Bullying and Harassment and their rights and obligations under this policy.
8. The College reserves the right to initiate an investigation into alleged Discrimination or

Bullying and Harassment, on its own initiative without the filing of a Complaint.

9. The College reserves the right to implement interim measures as it considers appropriate, pending the completion of an investigation into alleged Discrimination or Bullying and Harassment. Such measures may include, but are not limited to: 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 or specific areas of a College campus; 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).
10. An Employee may have the right to pursue another process in connection with alleged Discrimination or Bullying and Harassment, 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 continue with the process under this policy, or to suspend the process under this policy pending the outcome of the other process.

E. PROCEDURES

Prevention and Response

1. The College will establish and maintain a program to prevent Discrimination, Bullying and Harassment, that will include but not be limited to the following elements:
 - a. assessing and managing risk;
 - b. providing appropriate education and training to the College Community regarding this policy;
 - c. establishing procedures for reporting, investigating and documenting incidents of Discrimination or Bullying and Harassment in a prompt and sensitive manner, and in accordance with WorkSafeBC regulations and policies where applicable; and
 - d. ensuring that appropriate corrective actions are taken in response to incidents of Discrimination or Bullying and Harassment.

Reporting Alleged Violation of this Policy

1. The College encourages prompt reporting of all alleged violations of this policy, regardless of whether the person reporting the alleged violation is a victim or observer of such conduct.

Informal Resolution

1. An Employee who believes she/he has been subject to Bullying and Harassment or Discrimination is encouraged to attempt to resolve the matter 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. The Employee should keep a written record of the steps taken to alleviate the problem.
2. The Employee may ask his/her supervisor to assist in attempting to resolve the matter informally.
3. If the matter cannot be resolved informally, or if the Employee does not wish to pursue informal resolution, the Employee may file a Complaint in accordance with the procedure outlined below.

Filing a Complaint

1. An Employee who believes she/he has been subject to Bullying and Harassment or Discrimination, or has otherwise been affected by a violation of this policy, may file a Complaint under this policy by submitting the Complaint in writing to the Associate Vice President, Human Resources.
2. If the Associate Vice President, Human Resources is a Respondent, the Complaint should be filed with a Vice President who will then perform the duties of the Associate Vice President, Human Resources under this policy.
3. The Complaint should set out the relevant details regarding the alleged Bullying and Harassment or Discrimination, or other alleged violation of this policy. The Complaint should include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any social media communications, should also be included with the Complaint.
4. 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 identified in the Complaint to comply with its obligations under law or this policy.

Time Limit for Filing Complaints

1. A Complaint should be filed within 12 months of the alleged incident(s). If the Complaint

involves a series of related incidents, the Complaint should be filed within 12 months of the most recent incident.

2. The College has the discretion to accept a Complaint for filing after the expiry of the time limit described above, if the College determines that the delay in filing was reasonable and justified, and that no person would be prejudiced by the late filing.

Initial Review

1. Upon receipt of a Complaint, the Associate Vice President, Human Resources will conduct an initial review to determine whether the allegations in the Complaint fall within the scope of this policy. This review will occur within 14 calendar days of receiving a Complaint, unless exceptional circumstances exist that prevent the Associate Vice President, Human Resources from meeting this timeline, in which case the Associate Vice President, Human Resources will contact the Employee making the Complaint as soon as possible to inform them of the revised timeline.
2. If the Associate Vice President, Human Resources determines that the Complaint falls within the scope of this policy, the Associate Vice President, Human Resources will do one of the following:
 - a. appoint an Investigator to investigate the Complaint; or
 - b. refer the matter to the alternative resolution process described below.
3. If the Associate Vice President, Human Resources determines that the allegations in the Complaint do not fall within the scope of this policy, the Associate Vice President, Human Resources will advise the Employee making the Complaint of this decision along with reasons. If the Associate Vice President, Human Resources believes that the Complaint discloses other kinds of misconduct or information that College may need to act on under another College policy or process, the Associate Vice President, Human Resources may refer the Complaint or the relevant portions of the Complaint to the appropriate College authority. When appropriate, the Associate Vice President, Human Resources will consult with the Employee making the Complaint before referring it elsewhere.

Alternative Resolution

1. If the Associate Vice President, Human Resources believes that an alternative resolution process may be appropriate in the circumstances, the Associate Vice President, Human Resources will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the Associate Vice President, Human Resources will contact the Respondent to advise them that a Complaint has been made, and will discuss this option with the Respondent. If the Respondent agrees to participate in an

alternative resolution process and the Associate Vice President, Human Resources is satisfied that an alternative resolution process is appropriate, then the Associate Vice President, Human Resources will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.

2. Participation in an alternative resolution process is voluntary.

Investigation

1. If an alternative resolution process is not pursued or does not resolve the matter, the Associate Vice President, Human Resources will appoint an internal or external Investigator to investigate the Complaint.
2. The Investigator will advise participants in the investigation process of the option to have a support person present for interviews. For unionized Employees, this would normally be a steward or Union representative. For Employees who are administrators, another administrator may act as support person. For Students, the support person would normally be the DSU advocate, a counselor, or a person from Aboriginal Student Services. The Investigator has discretion to consider requests for others to be support persons.
3. Except in exceptional circumstances, investigations (including the preparation of the Investigator's report) will be completed within 60 calendar days of the Investigator's receipt of the Complaint. If during the course of the investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the Associate Vice President, Human Resources as soon as possible to inform them of the revised timeline.
4. Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.
5. In all investigations, the Respondent will be informed of the allegations made against them, and will be given a full opportunity to respond.
6. The Investigator will conduct the investigation in a procedurally fair manner, using a process determined by the Investigator. 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 social media communications;
- b. meeting with or requesting further information from the Complainant;
 - c. meeting with or requesting further information from the Respondent;
 - d. meeting with or requesting further information from any other individuals who may have information relevant to the investigation, including any witnesses identified by the Complainant or the Respondent;
 - e. inviting the Complainant and the Respondent to submit questions they believe should be asked of the other party or any witness, provided that the decision as to whether such questions will actually be asked of the other party or a witness is entirely within the discretion of the Investigator; and
 - f. obtaining any other evidence that may be relevant to the investigation.
7. At the completion of the investigation, the Investigator will submit a written Report to the Associate Vice President, Human Resources. 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; and
 - c. the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, this policy has been violated.

Investigation Outcomes

1. If the Investigator's Report determines that Discrimination or Bullying and Harassment has occurred, or that this policy has otherwise been violated, the following will occur:
 - a. the Associate Vice President, Human Resources will provide a copy of the Investigator's Report to the Responsible Administrator;
 - b. the Responsible Administrator will determine what disciplinary or other measures are appropriate based on the findings in the Report;
 - c. if suspension of a Student or an Employee is a potential outcome, the matter will be referred to the President for decision;
 - d. the Complainant and the Respondent will be notified of the outcome; and
 - e. the Respondent will be notified of the option to appeal, as described below.

2. In addition to disciplinary outcomes, the College may require workshops and/or mediation

for the parties or other members of the College Community in the environment affected by the Complaint or investigation.

3. If the Investigator's Report determines that this policy has not been violated, the Associate Vice President, Human Resources 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.
4. Whether or not the Investigator's Report determines that Discrimination or Bullying and Harassment has occurred, or that this policy has otherwise been violated, if the Associate Vice President, Human Resources believes that the Investigator's Report discloses other kinds of misconduct or information that the College may need to act on under another College policy or process, the Associate Vice President, Human Resources may refer the Investigator's Report, or the relevant portions of the Report, to the appropriate College authority. When appropriate, the Associate Vice President, Human Resources will consult with the person making the Complaint before referring it elsewhere.

Confidentiality

1. Complaints of Bullying and Harassment or Discrimination involve confidential and sensitive information. Confidentiality is required so those who may have experienced Bullying and Harassment or Discrimination will feel free to come forward, and the reputations and interests of those accused are protected.
2. All members of the College Community who are involved in Complaints or Reports regarding alleged violations of this policy must maintain the confidentiality of any information they receive during the course of the process.
3. All recorded personal information will be treated as "supplied in confidence" for the purposes of compliance with the Freedom of Information and Protection of Privacy Act (FIPPA) and responding to access requests under that legislation.
4. To protect the integrity, fairness, and effectiveness of investigations and to ensure compliance with the FIPPA, all participants in an investigation must act in accordance with the requirements set out below.
5. Individuals, including the Complainant and the Respondent, who have obtained personal information about an identifiable individual through their participation in an investigation must not disclose this information to anybody 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 information that they have obtained outside the investigation; or

- b. College representatives from disclosing investigation-related information as authorized under this policy.
6. The College will not disclose any personal information related to an investigation except to the extent such disclosure is
 - a. expressly authorized by the affected individual;
 - b. to a College representative, if necessary for the performance of that individual's duties;
 - c. to a Complainant, Respondent, witness, or other participant in the investigation, if necessary for the conduct of the investigation;
 - d. authorized by this policy; or
 - e. authorized or required under law.
7. Information may also be shared where
 - a. an individual is at imminent risk of self-harm;
 - b. an individual is at imminent risk of harming another; or
 - c. there are reasonable grounds to believe that others in the College Community or wider community may be at risk of harm.
8. To maintain the integrity of the investigation process, the College must ensure that both Complainants and Respondents know the investigation findings.
9. Under the FIPPA, the College is only authorized to disclose disciplinary actions it has taken against a Respondent if the disclosure is authorized by the College for compelling health or safety reasons. For example, 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 Frivolous or Vexatious Complaints

1. Retaliatory Action of any kind is prohibited.
2. 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.
3. Where an investigation determines that a Complaint was frivolous, vexatious or vindictive in nature, the College may take appropriate disciplinary action.

Appeal

1. A Complainant or Respondent may appeal the decision of a Responsible Administrator to the person to whom the Responsible Administrator reports. A College Employee or Student who has been suspended by the President has a right of appeal to the College Board.
2. The Appeal must be submitted in writing within ten (10) business days of the decision being received by the Complainant/Respondent and must provide specific grounds for the Appeal, describing how this policy was incorrectly applied and/or due process was not followed.
3. The Appeal will deal with appropriateness of process or disciplinary decisions, and will not reconsider the original Complaint. However, the person or body deciding the Appeal has the discretion to consider new evidence that could not reasonably have been available at the time of the investigation.
4. The Appeal may be upheld or dismissed, in whole or in part, and/or referred back to the Responsible Administrator for reconsideration.
5. The person or body deciding the Appeal will give reasons for the decision in writing.

F. LINKS TO SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

[Administration Policies Page](#)

- Academic Freedom
- Acceptable Use of Computer and Technology Information
- College Facilities Use
- Conflict of Interest
- Compliance with the Freedom of Information and Protection of Privacy Act
- Ethical Conduct of Research Involving Humans
- Human Rights
- Integrity in Research and Scholarship
- Sexual Violence and Misconduct Prevention and Response
- Standards of Student Conduct
- Violence Prevention Involving College Employees
- Violence Prevention Involving Students/Users
- Impairment Policies (*in development*)

G. RELATED ACTS AND REGULATIONS

- *Freedom of Information and Protection of Privacy Act, RSBC 1996, c. 165*
- *Human Rights Code, RSBC 1996, c. 210*
- *Workers Compensation Act, RSBC 1996, c. 492*

H. RELATED COLLECTIVE AGREEMENTS

- *Collective Agreement between Douglas College and the BC Government and Service Employees Union (BCGEU)*
- *Collective Agreement between Douglas College and the Douglas College Faculty Association (DCFA)*