

HUMAN RIGHTS POLICY

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A. PURPOSE

Douglas College is committed to providing a working and learning environment that is free from Discrimination on the grounds protected by the BC *Human Rights Code*.

This policy seeks to ensure that Douglas College employees and students are aware of the terms of the BC *Human Rights Code*.

B. SCOPE

1. This Policy applies where
 - a. an incident of Discrimination 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 is a College Employee or Student.

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

C. DEFINITIONS

In this Policy and the Human Rights Procedure, the following definitions shall apply:

1. **College:** Douglas College.
2. **College Community:** All College Employees and Students, and any other person who is contractually obligated to comply with this Policy.
3. **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 that, if true, would violate this Policy but no person comes forward with a Complaint, or where an investigation is required by law.
4. **Complaint:** A formal written complaint containing allegations of Discrimination or other violation(s) of this Policy.
5. **Discrimination:** Discrimination within the meaning of the BC *Human Rights Code*, because of the following:
 - a. an Employee'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 Employee's employment with the College; or
 - b. a Student's sex, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, or age.

Discrimination permitted by the BC *Human Rights Code* is not a breach of this Policy, including but not limited to the following circumstances:

- a. for a Complaint by an Employee, where a bona fide occupational requirement is established, or where the alleged Discrimination relates to a bona fide pension plan or group insurance plan; or
- b. for a Complaint by a Student, where a bona fide and reasonable justification is established.

Discrimination includes Sexual Harassment, as defined below.

6. **Employee:** An employee of the College, including administrators, faculty and staff.

7. **Frivolous or vexatious complaint:** Reports that are knowingly false, intended to harass or embarrass the named party(ies) involved, or submitted with the intention or causing annoyance or distress.
8. **Investigator:** A person appointed by the College to investigate a Complaint.
9. **Respondent(s):** A person or persons alleged to have engaged in conduct that violates this Policy.
10. **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, Registrar.
11. **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.
12. **Sexual Harassment:** Conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the working or learning environment or leads to adverse job-related or education-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.
13. **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 and learning environment that is free from Discrimination.
2. Discrimination is 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 and Students 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, to prevent its occurrence in the workplace, to provide procedures to handle Complaints, and to remedy situations where Discrimination has been found to have occurred.
6. The College is committed to addressing Discrimination by
 - a. implementing and actively promoting awareness and training programs to educate the College Community regarding Discrimination and the issues addressed in this Policy;
 - b. promoting conditions that seek to eliminate the potential for incidents of Discrimination to occur in the working and learning environment;
 - c. reducing barriers to filing Complaints regarding Discrimination; and
 - d. responding to Complaints in a procedurally fair, efficient and consistent manner.
7. The College strongly encourages all members of the College Community to become knowledgeable about Discrimination and their rights and obligations under this Policy.
8. The College reserves the right to initiate an investigation into alleged Discrimination 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. 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 or 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 continue

with the process under this Policy, or to suspend the process under this Policy pending the outcome of the other process.

E. PREVENTION AND RESPONSE

1. The College will establish and maintain a program to prevent Discrimination, that will include but not be limited to the following elements:
 - a. risk assessment and management;
 - b. providing appropriate education and training to the College Community regarding this Policy;
 - c. establishing procedures for reporting, investigating and documenting incidents of Discrimination in a prompt and sensitive manner; and
 - d. ensuring that appropriate corrective actions are taken in response to incidents of Discrimination.

F. PROCEDURES

The procedures for reporting and addressing alleged violations of this Policy, and for making and investigating Complaints, are found in the *Human Rights and Accommodation of Students Procedure* [SOP in development].

G. CONFIDENTIALITY

1. Complaints of Discrimination involve confidential and sensitive information. Confidentiality is required so those who may have experienced 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 or the Human Rights Procedure.
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 the Human Rights Procedure; 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*, 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, College will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities.

H. 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.

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

[Administrative Policies Page](#)

- Respectful Workplace
- Sexual Violence and Misconduct Prevention and Response
- Standards of Student Conduct

[Internal Standard Operating Procedures](#)

- Human Rights and Accommodation of Students (in development)

J. RELATED ACTS AND REGULATIONS

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

K. RELATED COLLECTIVE AGREEMENT

- 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)