

**HUMAN RIGHTS POLICY**

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**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 by or under the auspices of 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.

**Limitation of Scope**

This policy is designed to complement and not to 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.

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 a College 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 who is 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 act as Complainant.

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

**Discrimination:** The intentional or unintentional differential treatment of an individual or group, based on a ground protected by the BC *Human Rights Code*, which creates a disadvantage or an adverse impact for the individual or group. Grounds protected by the *Human Rights Code* vary according to context:

- a. For Employees, in an employment context, the protected grounds are sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or

mental disability, sexual orientation, gender identity or expression or age, or a criminal conviction which is unrelated to the person's employment;

- b. For Students, in a service context, the protected grounds are sex, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression or age.

A person does not contravene the BC *Human Rights Code* or this policy where a bona fide occupational requirement or a bona fide and reasonable justification for the Discrimination is established.

[Discrimination under the *Code* includes Sexual Harassment, as defined below; however, persons who believe they are experiencing behaviours meeting the definition of Sexual Harassment should see also the *Sexual Violence and Misconduct Prevention and Response* policy.]

**Employee:** A person who is employed by the College, including administrators, faculty members, staff and contractors, 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 by the College to investigate a Complaint; may be an internal representative of the College or a person external to the College.

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

**Responsible Administrator (RA):** 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).

**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 cooperates in an investigation of a Complaint.

**Sexual Harassment:** Conduct or comments of a sexual nature that are unwelcome, or ought reasonably be known to be 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.

[Persons who believe they are experiencing behaviours meeting the definition of Sexual Harassment should see also the *Sexual Violence and Misconduct Prevention and Response* policy.]

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

#### 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 as defined under this policy 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, dismissal or expulsion.
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 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.
8. The College is committed to addressing Discrimination through the following preventative measures:
  - a. Requiring Employee completion of training programs offered through the College on Discrimination and the issues addressed in this policy;

- b. Actively promoting awareness of Discrimination through ongoing implementation of training and other programs;
  - c. 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
  - d. Regularly reviewing this policy and related procedures for effectiveness.
- 9. The College is committed to addressing Discrimination through the following response measures:
  - a. Reducing barriers to filing Complaints regarding Discrimination;
  - b. Establishing procedures for reporting, investigating and documenting incidents of Discrimination in a prompt, sensitive and procedurally fair, efficient and consistent manner; and
  - c. 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.
- 10. The College reserves the right to investigate alleged Discrimination on its own initiative.
- 11. The College reserves the right to implement immediate 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, 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).
- 12. 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.
- 13. 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 place its process under College policy in temporary abeyance, pending the outcome of the other process.

14. Retaliatory Action of any kind is prohibited; it is considered misconduct and a violation of policy.
15. 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.

### I. Reporting Alleged Violations of this Policy

1. The College encourages and expects that incidents of alleged Discrimination occurring in any context that falls within scope of this policy (see Section **B. SCOPE**) will be reported by the victim(s) or observer(s) of the misconduct, when either the misconduct 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.
2. Alleged instances of Discrimination should be reported as follows:
  - a. by Employees: to their RA or the AVPHR;
  - b. by Students when reporting about another Student: to a College Employee with whom the Student feels comfortable, who will forward it to the appropriate Employee; and
  - c. by Students when reporting about a College Employee: to that Employee's supervisor.

Any member of the College Community who feels vulnerable or unsafe in making an initial report to a College administrator may first seek the support and assistance from a College support person from any of the following areas, as appropriate:

- [Accessibility Services](#)
- [Counselling](#)
- [Douglas College International](#)
- [Douglas Students' Union](#)
- [Indigenous Student Services](#)
- [Office of Student Support and Conduct](#)
- [Student Success Advisors](#)
- A union representative (for faculty or staff members)
- Any trusted instructor or other employee (for students)
- Human Resources (for all employees)

3. In order to ensure the safety of the workplace and the likelihood that evidence, including documents and witness testimony, remains available and reliable, reports should be made at the earliest opportunity.
4. The College expects that members of the College Community will keep written accounts of incidents to submit with any Complaints.
5. Reports by a third-party witness to alleged Discrimination should be submitted in writing.

## **II. Informal Resolution**

1. Members of the College Community who believe they have been subject to Discrimination 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 are instead advised to seek immediate help and support.
3. Any member of the College Community may seek assistance in resolving the matter informally. Assisted informal resolution efforts may include a cooperative and voluntary process, such as a facilitated or mediated conversation between the parties, a restorative justice process or a healing circle, as appropriate. Assistance in pursuing an informal resolution may be found as follows:
  - a. Employees should approach their RA, or consult with HR 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.
  - b. 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 Complainant to speak to is the course instructor; if the allegation relates to a staff member, the most appropriate person for the Student to speak to is that staff member's supervisor).
4. Either party, the Complainant or Respondent, may withdraw their participation from an informal process at any time.
5. The College recognizes that informal resolution processes may be most appropriate when the parties to an alleged incident of misconduct 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, the other a supervisor).

### III. Filing a Complaint

If the matter cannot be resolved informally, or if the person(s) alleging that they have witnessed or experienced Discrimination do not wish to pursue informal resolution, any member(s) of the College Community may file a Complaint in accordance with the procedure outlined in *Filing a Complaint Relating to Misconduct at Douglas College* [link].

Complaints that involve a faculty member as either Complainant or Respondent fall under Article 2 of the 2014-2019 *Common Agreement between the Employers' Bargaining Committee on behalf of member institutions ratifying this Common Agreement and Federation of Post-Secondary Educators of BC (FPSE) on behalf of its local unions ratifying this Common Agreement*. Prior to referring a Complaint to formal investigation or commencing the formal investigation state, the parties are directed to read Article 2 of this Agreement.

Students are also encouraged to consult *Conduct Concerns at Douglas College: A Plain-Language Guide for Students* [link] for additional information on what to expect from an investigation.

### IV. 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, including filing a Complaint under this policy as an act of retaliation, or to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.
2. Where an investigation determines that a Complaint was filed 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*

*Conduct Concerns at Douglas College: A Plain-Language Guide for Students* [link]

*Filing a Complaint Relating to Misconduct at Douglas College* [link]

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

## G. RELATED ACTS AND REGULATIONS

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



## H. RELATED COLLECTIVE AGREEMENTS

- [\*Collective Agreement between Douglas College and the BC Government and Service Employees' Union \(BCGEU\)\*](#)
- The 2014 – 2019 [\*Common Agreement between The Employers' Bargaining Committee on behalf of member institutions ratifying this Common Agreement and Federation of Post-Secondary Educators of BC \(FPSE\) on behalf of its local unions ratifying this Common Agreement\*](#)
- [\*Collective Agreement between Douglas College and Douglas College Faculty Association \(DCFA\)\*](#)