



BULLYING AND HARASSMENT PREVENTION AND RESPONSE POLICY

Name: Bullying and Harassment Prevention and Response	Responsible Owner: Associate Vice President, Human Resources	Created: 2018 Mar
Policy Number: A19	Approval Body: Senior Management Team (SMT)	Last Reviewed/Revised: 2021 Feb
Category: Administration	Replaces: A10.02.01, A02.01.02; formerly Respectful Workplace	Next Review: 2026 Mar

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 environment that is safe and free from Bullying and Harassment, an environment in which all Employees are treated with dignity and respect. 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, addressing and resolving Complaints regarding violations of the policy.

B. SCOPE

This policy applies where the person adversely affected by an alleged incident of Bullying and Harassment is a College Employee and where the alleged incident occurred

- a. on College Property, or
- 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 environment at the College.

The person alleged to have violated this policy may be any member of the College Community, including a Student who is not a College Employee.

Limitations of Scope

Student Employees who experience Bullying and Harassment at Douglas College may report the incident under this policy only if the incident occurred while they were acting in their capacity as Employees.

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.

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 conduct that meets the definition of Discrimination on grounds protected under the *BC Human Rights Code*, see also the *Human Rights* policy;
- For Violence or the threat of Violence that is sexual in nature, including Sexual Harassment, see also the *Sexual Violence and Misconduct Prevent 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

Bullying and Harassment: Any inappropriate conduct or comment made towards an Employee by a person who knew or ought reasonably to have known that the conduct or comment would cause that Employee to be humiliated or intimidated.

Bullying and Harassment does not include 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 or untruths;
- c. Physical assault, threats or intimidation (see also *Violence Prevention and Response* policy);
- d. Vandalizing personal belongings;
- e. Persistent rudeness, taunting, patronizing behaviour; or
- f. Other conduct that adversely affects working conditions or work performance.

The following actions do not constitute Bullying and Harassment:

- a. Fulfilling professional, managerial or supervisory responsibilities to evaluate and report on the performance, conduct or competence of Employees; or
- b. Freely and respectfully expressing reasonable opinions and differences of opinion.

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; for the purposes of this policy, an Employee of the College. In instances where the College becomes aware of allegations of 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, the College may act as a Complainant.

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

Discrimination: Conduct or comments directed at an individual or a group based on one or more of the grounds protected under the *BC Human Rights Code*: sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, age, physical or mental disability, sexual orientation, gender identity or expression, or a criminal conviction unrelated to the person's employment. [Discrimination, including discriminatory harassment, is not within scope of this policy: see *Human Rights* 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).

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, 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 cooperates in an investigation of a Complaint.

Sexual Harassment: Conduct or comments of a sexual nature that are unwelcome, and that detrimentally affect the work or learning environment or lead to adverse job- or education-related consequences. [Sexual Harassment is not within scope of this policy: see *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 providing a working environment that is safe and free from Bullying and Harassment, where all Employees are treated with dignity and respect.
2. Bullying and Harassment are prohibited and will not be tolerated.
3. All members of the College Community are required to become knowledgeable about Bullying and Harassment and their rights and obligations under this policy, and must behave in a manner consistent with this policy.
4. 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.
5. 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 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 events.
6. The College recognizes its responsibility to increase awareness of Bullying and Harassment, to prevent their occurrence in the workplace, to provide procedures for handling Complaints, to investigate allegations and Complaints, whether informally or formally, and to remedy situations where Bullying and Harassment has occurred.
7. The College is committed to addressing Bullying and Harassment through the following preventative measures:
 - a. Requiring Employee completion of the College's Bullying and Harassment training programs, which educate members of the College Community regarding Bullying and Harassment and the issues addressed in this policy;
 - b. Actively promoting awareness of Bullying and Harassment through implementation of ongoing training programs;
 - c. Assessing and managing risk, and promoting conditions that seek to eliminate the potential for incidents of Bullying and Harassment to occur in the workplace; and
 - d. Reviewing this policy for effectiveness at least once per year.
8. The College is committed to addressing Bullying and Harassment through the following response measures:
 - a. Reducing barriers to filing Complaints regarding Bullying and Harassment;

- b. Establishing procedures for reporting, investigating and documenting incidents of Bullying and Harassment in a prompt, sensitive and procedurally fair manner, and in accordance with WorkSafeBC regulations and policies where applicable; and
 - c. Implementing appropriate corrective actions, such as discipline, remedies and/or restorative actions, as necessary or when a violation of this policy is found to have occurred.
9. The College reserves the right to investigate alleged Bullying and Harassment on its own initiative, without the filing of a Complaint.
10. 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 completion of an investigation. 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 work or learning 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).
11. An Employee may have the right to pursue another process in connection with alleged 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 BC's *Human Rights Code*. If another process is pursued, the College may elect temporarily to place its process under College policy in abeyance pending the outcome of the other process.
12. The College will keep a written record of all Complaints and investigations, according to the College's *Records Series and Retention Schedule*.

E. PROCEDURES

I. Reporting Alleged Violations of this Policy

1. The College encourages and expects Employees to report all incidents of alleged Bullying and Harassment, regardless of whether the Employee making the report is a victim or an observer of the conduct. In order to ensure the safety of the workplace and the likelihood that evidence, including documents and witness testimony, remains available and reliable, Employees should contact their Responsible Administrator (RA) or the College's Associate Vice President, Human Resources (AVPHR) to make their report at the earliest opportunity.
2. Complaints are to be made in writing; however, in circumstances where Employees who are victims of alleged Bullying and Harassment are unable to submit a written Complaint, they may contact their RA or the AVPHR 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 College expects that Employees will keep written accounts of incidents to submit with any Complaints.
4. Reports by a third-party witness to alleged Bullying and Harassment must be submitted in writing to the RA/AVPHR.

II. Informal Resolution

1. Employees who believe they have been subject to Bullying and Harassment and feel comfortable doing so are encouraged to attempt to resolve the situation 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. Employees may seek assistance from their RA in resolving the matter informally. Informal resolution may include a cooperative and voluntary process, such as a facilitated or mediated conversation between the parties. The RA may serve as the mediator in such a conversation 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. Either Complainant or Respondent may withdraw their participation from an informal process at any time.
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.

III. Filing a Complaint

1. Employees who believe they have been subject to Bullying and Harassment in the workplace or been otherwise affected by a violation of this policy may file a Complaint under this policy by submitting the Complaint in writing to the AVPHR, except in the following instances:
 - a. Where the Respondent is the AVPHR, the Complaint is filed with a Vice President, who will then perform the duties of the AVPHR under this policy.
 - b. Where the Respondent is a Student, the Complaint is filed with the Employee's RA.
2. The written Complaint should set out the relevant details regarding the alleged Bullying and Harassment or other violation of this policy and the particulars of the behaviour alleged to have taken place. 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.
3. 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.

IV. Initial Review

1. Upon receipt of a Complaint, the RA/AVPHR will within two (2) business days acknowledge receipt of the Complaint and conduct an initial review of it to determine whether any immediate interim measures (per **Policy Statement 11**) are warranted to ensure the safety of the Complainant in the workplace pending full review of the Complaint; where interim measures are warranted, the College will put these in place expeditiously.
2. After acknowledging receipt of the Complaint and, where warranted, putting interim measures in place, the RA/AVPHR will within an additional seven (7) 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 this and/or other College policy, advise the Complainant that the Complaint will not proceed and provide an explanation; or
 - b. Where the allegations within the Complaint do fall within scope of this and/or other College policy,
 - i. advise the Respondent that a Complaint has been filed; and
 - ii. with the agreement of both Complainant and Respondent, refer the matter to the alternative resolution process, as outlined below (**V. Alternative Resolution**); or
 - iii. appoint an Investigator to investigate the Complaint, as outlined below (**VI. Investigation**).
3. When as a result of this initial review the RA/AVPHR believes that the Complaint discloses other kinds of misconduct or information that the College may need to act on under another College policy or process, the RA/AVPHR may include these other policies within scope of the investigation or refer the Complaint or relevant portions of it to the appropriate College authority. When appropriate, the RA/AVPHR will advise the Employee making the Complaint before referring it elsewhere.

V. Alternative Resolution

1. If the RA/AVPHR believes that an alternative resolution process may be appropriate in the circumstances, the RA/AVPHR will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the RA/AVPHR will so advise the Respondent and discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the RA/AVPHR remains satisfied that an alternative resolution process is appropriate, then the RA/AVPHR will explore the options available and will, with the agreement of both parties, refer the matter to that process for resolution.
2. The College recognizes that alternative resolution processes may be most appropriate when

the Complainant and Respondent belong to the same Employee group, and less appropriate when there is a real or perceived power differential between the parties.

3. Participation in an alternative resolution process is voluntary and can be withdrawn at any time.

VI. Investigation

1. If an alternative resolution process is not pursued or does not resolve the matter, the AVPHR will appoint an Investigator to investigate the Complaint. In appointing an Investigator, the College will consider the subject matter of the Complaint and the expertise and training of the Investigator. 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 AVPHR will identify for the Investigator the College policies under which the investigation will proceed.
3. The Investigator will advise participants in the investigation of the option to have a support person present for interviews, subject to real or perceived conflict of interest as determined by the Investigator.
 - a. For Students, this support person would normally be the DSU Ombudsperson, a counselor or a person from Indigenous Student Services;
 - b. For unionized Employees, this support person would normally be a steward or a union representative;
 - c. For administrators, this support person would normally be another administrator.

The Investigator has discretion to consider requests for others to serve as support persons.

4. Investigations (including the preparation of the Investigator's report) will normally be completed within sixty (60) calendar days of the Investigator's receipt of the Complaint. If during the course of the investigation the Investigator believes, due to exceptional circumstances, that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the AVPHR as soon as possible to inform them of the revised/extended timeline.
5. 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.
6. In all investigations, the Respondent will be informed of the allegations made against them, and will be given a full opportunity to respond.

7. The Investigator will conduct the investigation in a procedurally fair and sensitive manner, using a process determined by the Investigator. The investigation process may include but is not limited to the following steps:
 - 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 whom the Investigator determines may have information relevant to the investigation; and
 - e. Obtaining any other evidence that may be relevant to the investigation (e.g., emails, handwritten notes, texts, social media posts, equipment or other physical evidence).
8. At the completion of the investigation, the Investigator will submit a written report to the RA/AVPHR. 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, the identified College policy or policies have been violated.

VII. Investigation Outcomes

1. The Investigator will deliver the report to the RA/AVPHR, as appropriate; where the AVPHR receives the report, the AVPHR will in turn share it with the appropriate RA.
2. The RA/AVPHR will notify the Complainant and the Respondent in writing of the findings and the conclusions of the investigation.
3. Where the Investigator determines that Bullying and Harassment or another violation of College policy has occurred, the following will occur:
 - a. Based on the findings in the report, the appropriate RA, in consultation with the AVPHR, will determine what disciplinary¹ and/or other measures are appropriate;
 - b. If suspension of a Student or an Employee is a potential outcome, the matter will be referred to the President for decision; and
 - c. The Complainant and Respondent will be notified of the option to appeal (*see below*).

¹ A unionized Employee who is the Respondent to a Complaint may challenge the RA's disciplinary decision through the grievance process as outlined in the appropriate collective agreement. Timelines and process matters for such a grievance will be as set out in the collective agreement.

4. 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 the investigation.
5. Where the Investigator's report determines that College policy has not been violated, the Complainant will be notified of the option to appeal, as described below.
6. When as a result of the Investigator's report the RA/AVPHR identifies other kinds of misconduct or information that the College may need to act on under another College policy or process, the RA/AVPHR may refer the Investigator's report, or the relevant portions of it, to the appropriate College authority. When appropriate, the AVPHR will consult with the person making the Complaint before referring it elsewhere.
7. Following an investigation, the RA/AVPHR will review and revise workplace procedures as appropriate, to prevent future Bullying and Harassment incidents. Appropriate corrective actions will be taken in a reasonable timeframe. Where appropriate, Employees may be referred to the Employee assistance program or encouraged to seek medical advice.

VIII. Appeal

1. A Complainant or Respondent may appeal the investigative process followed by the Investigator only if there are grounds to show that due process was not followed or that this policy was incorrectly applied during that process.
2. An appeal of the investigative process must be submitted in writing within ten (10) business days of the Investigator's findings being received by the Complainant/Respondent. The written submission must provide specific grounds for the appeal, describing how due process was not followed and/or this policy was incorrectly applied.
 - a. A Student or other member of the College Community who is not a College Employee must submit the appeal to the Vice President, Student Affairs.
 - b. Employees, including Students who are Employees, must submit the appeal to the supervisor of the College administrator (RA or AVPHR) who appointed the Investigator (e.g., to the Vice President, Academic and Provost where a Dean appointed the Investigator; to the President where the AVPHR appointed the Investigator).
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; that decision is final.

6. A non-unionized Employee or a Student who has been suspended by the President has a right of appeal to the College Board. A non-unionized Employee must submit the appeal of a suspension to the College Secretary; a Student must submit the appeal of a suspension to the Vice President, Student Affairs, who will review the appeal for completeness before forwarding it to the College Secretary to submit to the College Board.

CONFIDENTIALITY

1. Complaints of Bullying and Harassment involve confidential and sensitive information, and the College recognizes its responsibility to minimize or avoid circumstances that might reasonably be expected to cause participants distress (e.g., the participants having to come into direct contact with one another). Confidentiality is required so that those who may have experienced Bullying and Harassment 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 investigations 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 BC's [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 will disclose disciplinary actions it has taken against a Respondent only 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 COMPLAINTS MADE IN BAD FAITH

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 filed in bad faith, the College may take appropriate disciplinary action.

F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

[Administration Policies](#)

- *Academic Freedom*
- *Acceptable Use of Computer and Technology Information*
- *Conflict of Interest*
- *Ethical Conduct of Research Involving Humans*
- *Human Rights*
- *Impairment Policy for Employees*
- *Impairment Policy for Students*
- *Integrity in Research and Scholarship*
- *Privacy*
- *Sexual Violence and Misconduct Prevention and Response*
- *Student Non-Academic Misconduct*
- *Use of College Facilities*
- *Violence Prevention and Response*

[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
- [Human Rights Code](#) [RSBC 1996], c. 210
- [Workers Compensation Act](#) [RSBC 2019], c. 1
- WorkSafe BC's [Occupational Health and Safety Regulation](#) (for workplace violence, see OHSR 4.24 – 4.26)

H. RELATED COLLECTIVE AGREEMENTS

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