

**BULLYING AND HARASSMENT PREVENTION AND RESPONSE POLICY**

<b>Name:</b> Bullying and Harassment Prevention and Response	<b>Responsible Owner:</b> Associate Vice President, Human Resources	<b>Created:</b> 2018 Mar
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**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.

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 direct, 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 initiate an investigation.

**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 College 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.
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. Complaints of Bullying and Harassment 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 Bullying and Harassment 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.
12. 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.
13. Retaliatory Action of any kind is prohibited; it is considered misconduct and a violation of policy.
14. 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 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. The College expects that Employees will keep written accounts of incidents to submit with any Complaints.
3. Reports by a third-party witness to alleged Bullying and Harassment should be submitted in writing.

## **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, a restorative justice process or a healing circle. The RA may serve as the mediator in such a conversation or process, or consult with HR for appropriate internal or external 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.

## **III. Filing a Complaint**

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 approved procedures, as outlined [here](#).

## **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

- *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*

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

*Filing a Complaint Relating to Misconduct at Douglas College*

[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
- WorkSafeBC's [Occupational Health and Safety Regulation](#) (for workplace violence, see OHSR 4.24 – 4.31)

## 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 \(DCFA\)](#)