

Policy Number:	8001
Policy Title:	Respectful Workplace
Approved by:	President
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## 1. Policy Statement

1.1. University Canada West (the “**University**”) 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. Purpose

2.1. This Policy articulates the duty of all members of the University 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.

## 3. Scope

3.1. This Policy applies where:

3.1.1. an incident of Discrimination or Bullying and Harassment is alleged to have occurred on University property, or off University property in connection with an event or activity sponsored by or under the auspices of the University; and

3.1.2. the person adversely affected by the alleged Discrimination, or Bullying and Harassment is a University Employee.

3.2. Disclosures or complaints involving sexual harassment or other forms of sexual violence and misconduct will be dealt with under Policy No. 8009, Sexual Violence and Misconduct.

3.3. Discrimination permitted by the *BC Human Rights Code* is not a breach of this 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).

#### 4. Definitions

4.1. These definitions apply to terms as they are used in this policy:

Word/Expression	Definition
<b>Bullying and Harassment</b>	Includes: <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>
<b>University Community</b>	Means all University Employees and Students, and any other person who is contractually obligated to comply with this Policy.
<b>Complainant</b>	Means a person who files a Complaint. In some instances, the University 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.
<b>Complaint</b>	Means a formal written complaint containing allegations of Discrimination or Bullying and Harassment or other violation(s) of this Policy.
<b>Discrimination</b>	Means discrimination in employment within the meaning of the BC <i>Human Rights Code</i> , based on a person's race, colour, ancestry, place of origin, Indigenous identity, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age, or criminal conviction which is unrelated to the person's employment.
<b>Vice President, Human Resources</b>	Means the University's Vice President, People & Culture (Human Resources) or their designate.
<b>Employee</b>	Means an employee of the University, including administrators, faculty, and staff.
<b>Investigator</b>	Means a person appointed by the University to investigate a Complaint.
<b>Respondent(s)</b>	Means a person or persons alleged to have engaged in conduct that violates this Policy.
<b>Responsible Administrator</b>	Means an executive of the University, or an administrator responsible for a University department or service area.

<b>Retaliatory Action</b>	Means 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.
<b>Student</b>	Means a person who is enrolled as a student at the University.

## 5. UCW is a Respectful Workplace

5.1. The University recognizes its responsibility to:

- 5.1.1. increase awareness of Discrimination, Bullying and Harassment;
- 5.1.2. prevent their occurrence in the workplace;
- 5.1.3. provide procedures to handle Complaints; and
- 5.1.4. remedy situations where Discrimination or Bullying and Harassment have been found to have occurred.

5.2. The University is committed to addressing Discrimination, Bullying and Harassment by

- 5.2.1. implementing and actively promoting awareness and training programs to educate the University Community regarding Discrimination, Bullying and Harassment and the issues addressed in this Policy;
- 5.2.2. promoting conditions that seek to eliminate the potential for incidents of Discrimination or Bullying and Harassment to occur in the workplace;
- 5.2.3. reducing barriers to filing Complaints regarding Discrimination or Bullying and Harassment; and
- 5.2.4. responding to Complaints in a procedurally fair, efficient, and consistent manner.

5.3. 5.5 Discrimination, Bullying and Harassment are strictly prohibited under this Policy.

## 6. Awareness & Prevention

6.1. The University members of the University Community should make sure they are aware of Discrimination, Bullying and Harassment and their rights and obligations under this Policy.

6.2. The University will establish and maintain a program to prevent Discrimination, Bullying and Harassment, that will include but not be limited to the following elements:

- 6.2.1. risk assessment and management;

- 6.2.2. providing appropriate education and training to the University Community regarding this Policy;
- 6.2.3. 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
- 6.2.4. ensuring that appropriate corrective actions are taken in response to incidents of Discrimination or Bullying and Harassment.

## **7. Reporting Discrimination or Bullying and Harassment**

- 7.1. The University 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.

## **8. Investigations and Complaints**

- 8.1. The University reserves the right to initiate an investigation into alleged Discrimination or Bullying and Harassment, on its own initiative without the filing of a Complaint.
- 8.2. The University 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 University campus or specific areas of a University 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.
- 8.3. 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, initiating a civil action, or filing a complaint under the BC Human Rights Code. If another process is pursued, the University 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.

## **9. Disciplinary Actions**

- 9.1. A breach of this Policy by a member of the University Community represents serious misconduct and may be cause for disciplinary sanctions including, where appropriate, suspension, dismissal, or expulsion.

9.2. Contractors and their employees and agents, visitors to the University, and other third parties are expected to treat Employees in a respectful manner, consistent with this Policy. The University does not have jurisdiction to take disciplinary action against a person who is not a member of the University Community or who is not currently affiliated with the University. However, under certain circumstances, the University may be able to take other action, such as revoking a person's access to University property or a University event.

## 10. Confidentiality

10.1. Confidentiality of all persons and information involved in a Complaint and its investigation is expected.

10.2. To protect the integrity, fairness, and effectiveness of investigations and to ensure compliance with the BC *Personal Information Protection Act* ("**PIPA**"), all participants in an investigation must act in accordance with the confidentiality requirements set out in this section.

10.3. 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:

10.3.1. any participants in an investigation from disclosing information about themselves, or information that they have obtained outside the investigation; or

10.3.2. University representatives from disclosing investigation-related information as authorized under this Policy.

10.4. The University will not disclose any personal information related to an investigation except to the extent such disclosure is:

10.4.1. expressly authorized by the affected individual;

10.4.2. to a University representative, if necessary for the performance of that individual's duties;

10.4.3. to a Complainant, Respondent, witness, or other participant in the investigation, if necessary for the conduct of the investigation;

10.4.4. authorized by this Policy; or

10.4.5. authorized or required under law.

10.5. Information may also be shared where:

10.5.1. an individual is at imminent risk of self-harm;

10.5.2. an individual is at imminent risk of harming another; or

10.5.3. there are reasonable grounds to believe that others in the University Community or wider community may be at risk of harm.

10.6. To maintain the integrity of the investigation process, the University must ensure that both Complainants and Respondents know the investigation findings.

10.7. Under the PIPA, the University is only authorized to disclose disciplinary actions it has taken against a Respondent if the disclosure is authorized by the University for compelling health or safety reasons. The University will normally inform a Complainant of any relevant restrictions that have been imposed upon the Respondent's movements or activities.

## **11. Retaliatory Action, Breaches of Confidentiality, and Frivolous or Vexatious Complaints**

11.1. Retaliatory Action of any kind is prohibited. This includes Retaliatory Action against a person who files a Complaint, against witnesses, or against any other persons involved in the process.

11.2. Where a member of the University Community is found to have engaged in Retaliatory Action, or to have breached the confidentiality requirements in this Policy, the University may take appropriate disciplinary action.

11.3. Where an investigation determines that a Complaint was frivolous, vexatious, or vindictive in nature, the University may take appropriate disciplinary action.

## **12. Appeal**

12.1. The appeal will deal with the appropriateness of the process or the 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.

12.2. The outcome of an appeal may be that the decision of the Responsible Administrator may be:

12.2.1. upheld, in whole or in part;

12.2.2. dismissed, in whole or in part; or

12.2.3. referred back to the Responsible Administrator for reconsideration

### 13. Review of this Policy

13.1. The University will conduct regular reviews to evaluate the effectiveness of this Policy, with reviews occurring at least once every three (3) years, or as otherwise required by law.

### 14. Amendment to this Policy

14.1. The University reserves the right to amend or update this Policy from time to time at its sole discretion.

### 15. Responsibility

15.1. The Vice President, People & Culture (Human Resources) has responsibility for the decisions related to this policy.

### 16. Applicable legislation

- BC Human Rights Code
- BC Personal Protection Information Act (PIPA)
- WorkSafeBC regulations and policies

### 17. Associated policies

Policy Number	Policy Title

### 18. Associated procedure

Procedure Number	Procedure Title
8001p	Respectful Workplace
8009	Sexual Violence and Misconduct Policy