

Procedure Number:	8001p
Procedure Title:	Respectful Workplace
Approved by:	President
Approval date:	August 24, 2020
Effective date:	August 24, 2020
Review date:	June, 2023
Next review date:	June, 2026

## 1. Purpose

1.1. These procedures are designed to support Policy No. 8001, Respectful Workplace.

## 2. Definitions

2.1. Refer to the definitions in Policy No. 8001, Respectful Workplace.

2.2. Examples of Bullying and Harassment include, but are not limited, to the following:

2.2.1. words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;

2.2.2. spreading malicious rumours;

2.2.3. threats or intimidation;

2.2.4. vandalizing personal belongings;

2.2.5. physical assault or violence; and/or

2.2.6. persistent rudeness, bullying, taunting, patronizing behaviour, or other conduct that adversely affects working conditions or work performance.

2.3 However, Bullying and Harassment excludes any reasonable action taken by a University administrator or supervisor relating to the management and direction of Employees or the place of employment.”

## 3. Witness Reporting Alleged Violation of this Policy

3.1. An Employee who wishes to report an alleged Violation of this policy which does not directly affect them may do so by emailing [EmployeeRelations@ucanwest.ca](mailto:EmployeeRelations@ucanwest.ca). The report should include as much

information as possible regarding the alleged Bullying and Harassment or Discrimination, or other alleged violation of this Policy witnessed.

3.2. The report should include:

- 3.2.1. all relevant details regarding the alleged Bullying and Harassment or Discrimination, or other alleged violation of this Policy witnessed;
- 3.2.2. a list of any potential witnesses;
- 3.2.3. a description of the information those potential witnesses are expected to provide; and
- 3.2.4. any relevant documents, including any social media communications.

#### 4. Informal Resolution

- 4.1. An Employee who believes they have been subject to Bullying and Harassment or Discrimination is encouraged to attempt to resolve the matter 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. The Employee should keep a written record of the steps taken to alleviate the problem.
- 4.2. The Employee may ask their supervisor to assist in attempting to resolve the matter informally.
- 4.3. 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.

#### 5. Filing a Complaint

- 5.1. An Employee who believes they have been subject to Bullying and Harassment or Discrimination, or has otherwise been affected by a violation of this Policy, may file a Complaint under this Policy by submitting the Complaint in writing to the [EmployeeRelations@ucanwest.ca](mailto:EmployeeRelations@ucanwest.ca) email address.
- 5.2. The Complaint should include:
  - 5.2.1. all relevant details regarding the alleged Bullying and Harassment or Discrimination, or other alleged violation of this Policy;
  - 5.2.2. a list of any potential witnesses;
  - 5.2.3. a description of the information those potential witnesses are expected to provide; and

- 5.2.4. any relevant documents, including any social media communications.
- 5.3. A Complainant has the right to withdraw a Complaint at any stage of the process. However, the University may continue to act on the issue identified in the Complaint to comply with its obligations under law or this Policy.
- 5.4. A Complaint should be filed within 12 months of the alleged incident(s). If the Complaint involves a series of related incidents, the Complaint should be filed within 12 months of the most recent incident.
- 5.5. The University has the discretion to accept a Complaint for filing after the expiry of the time limit described above, if the University determines that the delay in filing was reasonable and justified, and that no person would be prejudiced by the late filing.

## 6. Initial Review

- 6.1. Upon receipt of a Complaint, Human Resources will conduct an initial review to determine whether the allegations in the Complaint fall within the scope of this Policy.
- 6.2. The initial review will occur within 14 calendar days of receiving a Complaint unless exceptional circumstances exist that prevent the Vice President, People & Culture (Human Resources) from meeting this timeline. In such cases, they will contact the person who made the Complaint as soon as possible to inform them of the revised timeline.
- 6.3. If the Vice President, People & Culture (Human Resources) determines that the Complaint falls within the scope of this Policy, the Vice President will do one of the following:
- 6.3.1. appoint an Investigator to investigate the Complaint; or
  - 6.3.2. refer the matter to the alternative resolution process described below.
- 6.4. 4.6.3. If the Vice President, People & Culture (Human Resources) determines that the allegations in the Complaint do not fall within the scope of this Policy, the Vice President, People & Culture (Human Resources) will advise the person who made the Complaint of this decision along with reasons.
- 6.5. If the Vice President, People & Culture (Human Resources) believes that the Complaint discloses other kinds of misconduct or information that University may need to act on under another University policy or process, they may refer the Complaint or the relevant portions of the Complaint to the appropriate University authority. When appropriate, the Vice President will consult with the person who made the Complaint before referring it elsewhere.

## 7. Alternative Resolution

- 7.1. If the Vice President, People & Culture (Human Resources) believes that an alternative resolution process may be appropriate in the circumstances, the Vice President, People & Culture (Human Resources) will discuss this option with the Complainant.
- 7.2. If the Complainant agrees that an alternative resolution process may be appropriate, the Vice President, People & Culture (Human Resources) will contact the Respondent to advise them that a Complaint has been made, and will discuss this option with the Respondent.
- 7.3. If the Respondent agrees to participate in an alternative resolution process and the Vice President, People & Culture (Human Resources) is satisfied that an alternative resolution process is appropriate, then the Vice President, People & Culture (Human Resources) will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.
- 7.4. Participation in an alternative resolution process is voluntary.

## 8. Investigation

- 8.1. If an alternative resolution process is not pursued or does not resolve the matter, the Vice President, People & Culture (Human Resources) will appoint an internal or external Investigator to investigate the Complaint.
- 8.2. The Investigator will advise participants in the investigation process of the option to have a support person present for interviews.
- 8.3. Except in exceptional circumstances, investigations (including the preparation of the Investigator's report) will be completed within 60 calendar days of the Investigator's receipt of the Complaint. If during the course of the investigation, the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the Vice President, People & Culture (Human Resources) as soon as possible to inform them of the revised timeline.
- 8.4. 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.
- 8.5. In all investigations, the Respondent will be informed of the allegations made against them and will be given a full opportunity to respond.

- 8.6. The Investigator will conduct the investigation in a procedurally fair manner, using a process determined by the Investigator. The investigation process may include, but is not limited to, the following:
- 8.6.1. 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;
  - 8.6.2. meeting with or requesting further information from the Complainant;
  - 8.6.3. meeting with or requesting further information from the Respondent;
  - 8.6.4. meeting with or requesting further information from any other individuals who may have information relevant to the investigation, including any witnesses identified by the Complainant or the Respondent;
  - 8.6.5. inviting the Complainant and the Respondent to submit questions they believe should be asked of the other party or any witness, provided that the decision as to whether such questions will actually be asked of the other party or a witness is entirely within the discretion of the Investigator; and
  - 8.6.6. obtaining any other evidence that may be relevant to the investigation.
- 8.7. At the completion of the investigation, the Investigator will submit a written Report to the Vice President, People & Culture (Human Resources). The Report will normally include the following information:
- 8.7.1. a summary of the evidence considered;
  - 8.7.2. any assessment of credibility that is required to render a determination; and
  - 8.7.3. the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, this Policy has been violated.

## 9. Investigation Outcome

- 9.1. If the Investigator's Report determines that Discrimination or Bullying and Harassment has occurred, or that this Policy has otherwise been violated, the following will occur:
- 9.1.1. the Vice President, People & Culture (Human Resources) will provide a copy of the Investigator's Report to the Responsible Administrator;

- 9.1.2. the Responsible Administrator will determine what disciplinary or other measures are appropriate based on the findings in the Report;
  - 9.1.3. if suspension of a Student or Employee is a potential outcome, the matter will be referred to the President for decision;
  - 9.1.4. the Complainant and the Respondent will be notified of the outcome; and
  - 9.1.5. the Respondent will be notified of the option to appeal, as described below.
- 9.2. In addition to disciplinary outcomes, the University may require workshops and/or mediation for the parties or other members of the University Community in the environment affected by the Complaint or investigation.
- 9.3. If the Investigator's Report determines that that this Policy has not been violated, the Vice President, People & Culture (Human Resources) will dismiss the Complaint and so notify the Complainant and the Respondent. The Complainant will be notified of the option to appeal, as described below.
- 9.4. Whether or not the Investigator's Report determines that Discrimination or Bullying and Harassment has occurred, or that this Policy has otherwise been violated, if the Vice President, People & Culture (Human Resources) believes that the Investigator's Report discloses other kinds of misconduct or information that the University may need to act on under another University policy or process, the Vice President, People & Culture (Human Resources) may refer the Investigator's Report, or the relevant portions of the Report, to the appropriate University authority. When appropriate, the Vice President, People & Culture (Human Resources) will consult with the person making the Complaint before referring it elsewhere.

## **10. Appeal**

- 10.1. An appeal must be submitted in writing within ten (10) business days of the decision being received by the Complainant/Respondent, and must provide specific grounds for the appeal, describing how this Policy was incorrectly applied and/or due process was not followed.
- 10.2. A Complainant or Respondent may appeal the decision of the Responsible Administrator to the person to whom the Responsible Administrator reports.
- 10.3. An Employee or Student who has been suspended by the President has a right of appeal to the University's Board of Governors.
- 10.4. The person or body deciding the appeal will give reasons for their decision in writing.

**11. Review of this Procedure**

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