



<b>Category:</b> Human Resources	<b>Responsible Owner:</b> Human Resources	<b>Effective Date:</b> December 2019
<b>Policy Number:</b> 5.10	<b>Final Approval Body:</b> Board of Directors	<b>Proposed Review Date:</b> December 2024
<b>Policy Name:</b> Respectful Workplace Policy	<b>Forms:</b>	<b>Amendment History:</b>

**A. PURPOSE/COMMITMENT:**

Columbia College adheres to the following vision statement as it relates to inclusivity: Columbia College commits to being an inclusive space, open to diverse views discussed in a respectful and thoughtful manner, free of discrimination, hate, or bullying in any form.

To ensure an inclusive space, the College will avail itself of every opportunity to promote a culture of inclusivity and one that seeks to remove any form of discrimination on its campuses. The scope of this action may include, but is not limited to:

1. developing workshops and PD sessions designed to create a more welcoming community;
2. creating and disseminating messaging across campuses that reinforces inclusivity and welcoming of diverse backgrounds, identities and skill-sets, free of discrimination, hate, and bullying;
3. the establishment of a committee
  - a. to increase awareness of these issues around campus
  - b. to play a constructive role in overcoming challenges to the issues of discrimination outlined here-in (which may be latent in College structures rather than purposeful)
  - c. help create a space in which all members of the Columbia College community feel comfortable and are able to contribute free of fear of discrimination or hate.

To ensure Columbia College is a welcoming, engaged and respectful workplace that recognizes protects all members of the college community from discrimination, bullying and harassment while ensuring that they are treated with respect and dignity, this policy articulates the duty of all members of the College 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.

**B. POLICY:**

The College adheres to the BC Human Rights Code and the Canadian Charter of Rights and Freedoms, and therefore prohibits discrimination, harassment or bullying as defined therein which as of the date of this policy include:

- Race
- Colour
- Ancestry
- Place of origin
- Political belief
- Religion
- Marital status
- Family status
- Physical disability
- Intellectual and Cognitive disability

- Sex
- Gender identity or expression
- Sexual orientation
- Age
- Criminal conviction (if not pertinent to employment)
- Lawful source of income
- Retaliation

Discrimination, bullying, or harassment is strictly prohibited.

All employees of the College and the Columbia College Society have the right to be treated with dignity and respect and are expected to refrain from the above actions. All employees have the right to be treated equitably under this policy. Discrimination, bullying, or harassment will not be tolerated at Columbia College.

The College commits to providing educational awareness in order to ensure that discrimination, bullying and harassment do not occur at the College. In turn, the Columbia College community agrees that attendance at these sessions, for employees of the College and the Society, is a requirement for all staff members, and must be completed on a continual basis no less often than once every three years, or as is dictated by best practice. Failure for employees to attend these sessions as required will amount to disobeying a lawful order of the College.

**SCOPE:**

This Policy applies to all College employees and any other person who is contractually obligated to comply with this policy.

1. This policy applies where:
  - a. An incident of Discrimination, Bullying, or Harassment is alleged to have occurred on College property, off College property in connection with an event or activity sponsored by or under the auspices of the College, or in professional interactions between colleagues; and
  - b. The person adversely affected by the alleged Discrimination, Bullying, or Harassment is a College Employee.
  - c. The Columbia College Code of Conduct, and the College’s Harassment and Discrimination Policy remains in effect for students, independent of this policy.

This policy does not supersede the rights of Academic Freedom Policy, nor those found in the College’s Employment Agreement. It should be noted that hate speech is not protected under the Academic Freedom Policy and is considered a violation of this policy. The Columbia College Code of Conduct or the College’s Harassment and Discrimination Policy should be used to deal with instances where students may be involved or are the target of this behavior, depending upon which policy is appropriate.

This policy does not limit the roles of Administration, the Board of Governors, the Board of Directors, the Academic Board, or Deans in their right and obligation to manage employees and discipline them as per the College’s Employment Agreement. The bodies above may reasonably exercise their rights to operate the institution, undertake performance management, or apply the principles of progressive discipline as outlined in the Employment Agreement and are not subject to a complaint under this policy.

**WHEN TO USE THE POLICY:**

In cases where the rights of employees or Society Members are not upheld.

**DEFINITIONS**

1. **Bullying and Harassment:**

- 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
- b. Any other form of unwelcome verbal or physical behavior 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.

However, Bullying and Harassment excludes any 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;
- c. threats or intimidation;
- d. vandalizing personal belongings;
- e. hate speech;
- f. physical assault or violence; and/or
- g. persistent rudeness, taunting, patronizing behaviour, or other conduct that adversely affects working conditions or work performance.

It is NOT Bullying and Harassment to:

- a. comply with professional, managerial or supervisory responsibilities to evaluate and report on the performance, conduct or competence of the Employees;
- b. express reasonable opinions freely and courteously; or
- c. respectfully engage in honest differences of opinion.

2. **College:** Columbia College

3. **Columbia College Society:** The Non-Profit Society that wholly owns the College

4. **Complainant:** A person who files a Complaint. In some instances, the College may act as a Complainant if it becomes aware of allegations of Discrimination, Bullying, or Harassment that, if true, would violate this policy but no person comes forward with a Complaint, or where an investigation is required by law.

5. **Complaint:** A formal written complaint containing allegations of Discrimination, Bullying, Harassment or other violation(s) of this policy.

6. **Discrimination:** Discrimination in employment within the definition found in the BC Human Rights Code, based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, or criminal conviction which is unrelated to the person's employment. Discrimination includes Sexual Harassment, as defined below.

7. **Human Resources Manager:** The College's Human Resources Manager.

8. **Vice Principal:** The College's Vice Principal – Academic or Vice principal – Operations

9. **Principal:** The College's Principal
10. **Employee:** An employee of the College, the Society, and all Society members (administrators, faculty and staff).
11. **Investigator:** A person appointed by the College to investigate a Complaint.
12. **Respondent(s):** A person or persons alleged to have engaged in conduct that violates this policy.
13. **Responsible Administrator:** An administrator responsible for the operations of a College.
14. **Retaliatory Action:** 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.
15. **Sexual Harassment:** Conduct or comments of a sexual nature that are unwelcome, and that detrimentally affect the work environment or leads to adverse job-related consequences. 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.
16. **Student:** A person who is enrolled as a student at the College.

## **POLICY STATEMENTS**

1. Columbia College 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. Discrimination, Bullying, and Harassment are strictly prohibited under this policy.
3. A breach of this policy by a member of the College Community represents serious misconduct and may be cause for disciplinary sanctions including, where appropriate, suspension, dismissal or expulsion.
4. Contractors and visitors to the College 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 or who is not currently affiliated with the College. However, under certain circumstances, the College may be able to take other actions, such as revoking a person's access to College property or a College event.
5. The College recognizes its responsibility to increase awareness of Discrimination, Bullying, and Harassment, to prevent their occurrence in the workplace, to provide procedures to handle Complaints, and to remedy situations where Discrimination, Bullying, or Harassment have occurred.
6. The College is committed to addressing Discrimination, Bullying, and Harassment by:

- a. implementing and actively promoting awareness and training programs to educate the College employees regarding Discrimination, Bullying, and Harassment, and other issues addressed in this policy;
  - b. promoting conditions designed to eliminate the potential for incidents of Discrimination, Bullying, or Harassment to occur in the workplace;
  - c. reducing barriers to filing Complaints regarding Discrimination, Bullying, or Harassment; and
  - d. responding to Complaints in a procedurally fair and efficient manner.
7. The College strongly encourages all members of the College Community to become knowledgeable about Discrimination, Bullying, and Harassment and their rights and obligations under this policy.
  8. The College reserves the right to initiate an investigation into alleged incident of Discrimination, Bullying, or Harassment on its own initiative, without the filing of a Complaint.
  9. The College reserves the right to implement interim measures as it considers appropriate, pending the completion of an investigation into alleged Discrimination, Bullying, or 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 behavior and/or restricting access to a College campus.
  10. An Employee may have the right to pursue another process in connection with alleged Discrimination, Bullying, or 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 College may elect to continue with its own process under this policy, or to suspend that process pending the outcome of the external process.

## **PROCEDURES**

### **Prevention and Response**

1. The College will establish and maintain a program to prevent Discrimination, Bullying, and Harassment that will include, but not be limited to, the following elements:
  - a. assessing and managing risk;
  - b. providing appropriate education and training to College employees regarding this policy;
  - c. establishing procedures for reporting, investigating and documenting incidents of Discrimination, Bullying, or Harassment in a prompt and sensitive manner, and in accordance with WorkSafeBC regulations and policies where applicable; and
  - d. ensuring that appropriate corrective actions are taken in response to incidents of Discrimination, Bullying, or Harassment.

### **Reporting Alleged Violation of this Policy**

1. The College 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.

### **Informal Resolution**

1. An Employee who believes they have been subject to Discrimination, Bullying, or Harassment 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.
2. The Employee may ask their supervisor to assist in attempting to resolve the matter informally.

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.

### **Filing a Complaint**

1. An Employee who believes they have been subject to Discrimination, Bullying, or Harassment, or has otherwise been affected by a violation of this policy, may file a Complaint in writing to the Human Resources Manager.
2. Should the Human Resources Manager be a Respondent, the Complaint should be filed with a Vice Principal who will then perform the duties of the Human Resources Manager under this policy.
3. The Complaint should set out the relevant details regarding the alleged incident(s) of Discrimination, Bullying, or Harassment, or other alleged violation(s) of this policy. 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 social media communications, should also be included with the Complaint.
4. 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 in order to comply with its obligations under law or this policy.

### **Time Limit for Filing Complaints**

1. A Complaint should be filed within 12 months of the alleged incident(s). If the Complaint involves a series of related incidents, or ongoing concerns about professional relationships, the Complaint should be filed within 12 months of the most recent incident.
2. The College has the discretion to accept a Complaint for filing after the expiry of the time limit described above if the College determines that the delay in filing was reasonable and justified and that no person would be prejudiced by the late filing.

### **Initial Review**

1. Upon receipt of a Complaint, the Human Resources Manager will conduct an initial review to determine whether the allegations in the Complaint fall within the scope of this policy. This review will occur within 14 calendar days of receiving a Complaint unless exceptional circumstances prevent the Human Resources Manager from meeting this timeline; in this case, the Human Resources Manager will contact the Employee making the Complaint as soon as possible to inform them of the revised timeline.
  - a. Appeal of this decision may be made to the Board of Directors.
2. If the Human Resources Manager determines that the Complaint falls within the scope of this policy, the Human Resources will either:
  - a. Conduct an investigation or appoint an Investigator to investigate the Complaint; or
  - b. Refer the matter to the alternative resolution process described below.

3. If the Human Resources Manager, in consultation with the Principal and or Vice-principal, determines that the allegations in the Complaint do not fall within the scope of this policy, the Human Resources Manager will advise the Employee making the Complaint of this decision along with reasons. If the Human Resources Manager, in consultation with the Principal, believes that the Complaint discloses other kinds of misconduct or information that College may need to act on under another College policy or process, the Human Resources Manager may refer the Complaint to the Principal. When appropriate, the Human Resources Manager will consult with the Employee making the Complaint before referring it elsewhere.

#### **Alternative Resolution**

1. If the Human Resources Manager believes that an alternative resolution process may be appropriate in the circumstances, the Human Resources Manager will discuss this option with the Complainant.
  - a. If the Complainant agrees that an alternative resolution process may be appropriate, the Human Resources Manager will contact the Respondent to advise them that a Complaint has been made, and will discuss this option with the Respondent.
  - b. If the Respondent agrees to participate in an alternative resolution process and the Human Resources manager is satisfied that an alternative resolution process is appropriate, then the Human Resources Manager will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.
2. Participation in an alternative resolution process is voluntary.

#### **Investigation**

1. If an alternative resolution process is not pursued or does not resolve the matter, the Human Resources Manager will conduct the investigation or appoint an internal or external Investigator to investigate the Complaint.
2. The Investigator will advise participants in the investigation process of the option to have a support person present for interviews. The Principal or Designate may act as a support person. The Investigator has the discretion to consider requests for others to be support persons.
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 Principal as soon as possible to inform them of the revised timeline.
4. In all investigations, the Respondent will be informed of the allegations made against them and will be given a full opportunity to respond.
5. 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:
  - 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 who may have information relevant to the investigation, including any witnesses identified by the Complainant or the Respondent;
  - e. 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
  - f. obtaining any other evidence that may be relevant to the investigation.
6. At the completion of the investigation, the investigator will submit a written Report to the Human Resources or to the Vice-principal (if the investigation is conducted by the Human Resources Manager). 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; and
  - c. the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, this policy has been violated.

### **Investigation Outcomes**

1. If the Investigator's Report determines that Discrimination, Bullying, or Harassment has occurred, or that this policy has otherwise been violated, the following will occur:
  - a. the Human Resources Manager or the Vice-principal will provide a copy of the Investigator's Report to the Principal.
  - b. the Responsible Administrator will determine what disciplinary or other measures are appropriate based on the findings in the Report;
  - c. if suspension of an Employee is a potential outcome, the matter will be referred to the Principal for decision;
  - d. the Complainant and the Respondent will be notified of the outcome; and
  - e. the Respondent will be notified of the option to appeal, as described below.
2. 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 investigation.
3. If the Investigator's Report determines that this policy has not been violated, the Human Resources Manager and or Vice-Principal 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.
4. Whether or not the Investigator's Report determines that Discrimination, Bullying, or Harassment has occurred, or that this policy has otherwise been violated, if the Human Resources Manager, Vice-principal, or Designate, believes that the Investigator's Report discloses other kinds of misconduct or information that the College may need to act on under another College policy or process, the Human Resources Manager, Vice-

principal, or Designate may refer the Investigator's Report, or the relevant portions of the Report, to the Principal. When appropriate, the Human Resources Manager will consult with the person making the Complaint before referring it elsewhere.

### **Confidentiality**

1. Complaints of Discrimination, Bullying, or Harassment involve confidential and sensitive information. Confidentiality is required to ensure that those who may have experienced Discrimination, Bullying, or Harassment will feel free to come forward, and that the reputations and interests of those accused are protected.
2. All members of the College who are involved in Complaints or Reports 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 following the Personal Information Protection Act (PIPA).
4. Individuals, including the Complainant and the Respondent, who might obtain personal information about an identifiable individual through their participation in an investigation must not disclose this information to anyone except their own personal advisors.
5. The College will not disclose any personal information related to an investigation except to the extent that such disclosure is:
  - a. Expressly authorized by the affected individual;
  - b. To a College representative, and only if necessary for the performance of that individual's duties;
  - c. To a Complaint, Respondent, witness, or another participant in the investigation, and only if necessary in order to conduct of the investigation.

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 others; or
  - c. There are reasonable grounds to believe that others in the College or wider community may be at risk of harm.
6. To maintain the integrity of the investigation process, the College must ensure that the investigation findings are communicated to both the Complainants and Respondents.

### **Retaliatory Action and Breaches of Confidentiality**

1. Retaliatory Action of any kind is prohibited.
2. Where a member of the College is found to have engaged in Retaliatory Action against a participant as defined in this policy, or to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.

### **Appeal**

- a. A Complainant or Respondent may appeal the decision of a Responsible Administrator to the Principal.
- b. The 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.
- c. The Appeal will deal with appropriateness for process or 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.
- d. The Appeal may be upheld or dismissed, in whole or in part, and/or referred back to the Responsible Administrator for reconsideration.
- e. The person or body deciding the Appeal will give reasons for the decision in writing.

**Category:** The category or grouping that the policy falls into i.e.  
5.0 Human Resources

**LINKS TO SUPPORTING FORMS, DOCUMENTS, WEBSITE:**  
**Guidelines for Religious Accommodation**

**REFERENCE TO EMPLOYMENT AGREEMENT CLAUSES:**

**REFERENCE TO BYLAWS or ARTICLES:**  
**Columbia College Employment Agreement**

**RELATED ACTS AND REGULATIONS:**  
**BC Human Rights Code**  
**Workers Compensation Act**  
**Personal Information Protection Act - BC Laws**

**RELATED POLICIES:**  
**Harassment and Bullying Policy**  
**Academic Freedom Policy**

**APPROVALS:**

<b>Responsible Owner:</b>	<b>Date:</b>
<b>Principal or Designate:</b>	<b>Date:</b>
<b>IF APPLICABLE:</b>	
<b>Chair, Academic Board</b>	<b>Date:</b>
<b>Chair, Marketing and Recruitment Committee:</b>	<b>Date:</b>
<b>Chair, Finance Committee:</b>	

**APPROVAL FOR ALL POLICIES**

<b>Chair, Board of Directors</b>	<b>Date:</b>
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<b>Revision Date(s):</b>	<b>Replaces Policy Number:</b>
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**Note:** The Policy Font is Calibri size 10.