



Category: Human Resources	Responsible Owner: Human Resources	Effective Date: November 2022
Policy Number: 5.11	Final Approval Body: Board of Governors	Policy Name: Bullying and Harassment Policy and Procedure (for Employees)

A. **PURPOSE/COMMITMENT:**

Columbia College believes that bullying and harassment is not acceptable or tolerated at the institution.

All Columbia College employees and contractors are to be treated in a fair and respectful manner. This policy, and the procedure below, outlines the following steps which shall be reviewed annually:

1. The policy statement herein, regarding bullying and harassment.
2. The steps taken in policy and procedure to prevent where possible or otherwise minimize workplace bullying and harassment.
3. The procedures for workers to report incidents or complaints of bullying and harassment including how, when and to whom a worker should report incidents or complaints.
4. The procedures for how Columbia College will deal with incidents or complaints of workplace bullying and harassment including:
 - a. How and when investigations will be conducted
 - b. What will be included in the investigation
 - c. Roles and responsibilities of employers, supervisors, workers and others
 - d. Follow-up to the investigation
 - e. Record keeping

B. **Scope**

This Policy applies to all Columbia College employees and contractors.

C. **When to use the Policy**

When an employee or contractor experiences bullying or harassment by one or more members of the Columbia College community, this individual must report the case to Human Resources. Any employee or contractor that observes bullying or harassment must also report these events to Human Resources. If Human Resources is not available, or otherwise involved in the case, the complaint should be brought to the HR designate or one of the Vice Principals. An investigation of the complaint will take place in line with this policy and procedure.

D. **Definitions**

BULLYING and HARASSMENT: The relevant act, as enforced by Worksafe BC, states that Bullying and Harassment: Includes any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

Examples of behaviour or comments that might constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours. Referring to an individual or group caste is a form of discrimination and is not tolerated at Columbia College.

Excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employments. <https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment>

COLUMBIA COLLEGE COMMUNITY: Columbia College students, employees, governors, contractors of services, volunteers and visitors.

HARASSMENT OFFICER: The Human Resources Manager, to whom Reports of harassment by employees and contractors can be made.

REASONABLE: In the relevant act, a reasonable action is defined as “a person (or organization) who exercises the degree of attention, knowledge, intelligence and judgment that society requires of its members for the protection of their own and of others’ interests. The reasonable person acts sensibly, does things without serious delay and takes proper but not excessive precautions.

REPORT: Statement of alleged facts provided by Complainant who is seeking recourse under the Respectful Workplace Policy. A Report is written and submitted to the Harassment Officer.

RESPONDENT: Person or persons against whom a Report has been made under the Respectful Workplace Policy.

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Human Resources

Category:
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B. PROCEDURES:

Columbia College, through the HR Manager, will establish and maintain training for employees and supervisors consistent with provincial regulations on the matter of Bullying and Harassment policies in the workplace.

1. Prevention: The College commits to taking the following actions, in addition to training, to prevent bullying and harassment that will include, but is not limited to:
 - a. Assessing and managing risk;
 - b. Reviewing and updating procedures for reporting, investigating, documenting and maintaining records of incidents of bullying and harassment;
 - c. Ensuring that appropriate corrective action is taken;

- d. Responding to bullying and harassment in a prompt and sensitive manner, in accordance with the procedures herein.
2. Reporting - All allegations of Bullying and Harassment will be investigated following this procedure:
 - a. An employee who believes they have been subject to, or has observed, Bullying and Harassment must file a complaint in writing to the Human Resources Manager or designate. The College will provide assistance in writing down the complaint for record keeping.
 - b. A complaint should be submitted in writing; the complaint is not submitted in writing, the investigation may be limited.
 - c. Should the Human Resources Manager be a respondent, the complaint should be filed with one of the Vice Principals, or designate, who will then perform the duties of the Human Resources Manager under this policy.
 - d. If Human Resources considers that there isn't a bullying and harassment complaint, the complaint will be dismissed, and the complainant will be informed.
 - e. If Human Resources, considers the complaint to be of a criminal nature, police or appropriate authorities will be contacted
 - f. If the complaint is covered under another policy, the appropriate policy and procedure will be followed.
 - g. When a complainant disagrees, they can appeal to the Principal.
 - h. The Complaint must set out the relevant details regarding the alleged incident(s). 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 and electronic communications, should also be included with the complaint.
 - i. 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 the law.
 - j. The College reserves the right to initiate an investigation into alleged incidents of bullying, or harassment on its own initiative, without the filing of a complaint. Procedures in this policy will be followed.
 - k. A complaint must be filed within 12 months of the alleged incident(s). If the complaint involves a series of related incidents, the complaint must be filed within 12 months of the most recent incident.
 - l. 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.
 - m. When the investigation is completed, they will be told that the investigation is complete and that appropriate action has been taken, The details are deemed confidential for privacy reasons.

Remediation Step 1: Informal Resolution (Optional):

The Human Resources Manager or designate, initiates the investigation of the complaint and proposes resolution or mediation within 14 working days. If judged to be an option, the Human Resources Manager may recommend an informal resolution process.

Where an informal resolution is considered a possible solution, the HR Manager will keep and apply a procedure for the complainant to review and agree to follow, before the Informal Resolution process begins. There is no obligation on the part of the complainant to agree to this option. If informal

resolution is successful, a report outlining that an informal process was pursued is submitted to the principal and kept in the employees' file. If informal resolution is unsuccessful the HR Manager will move to the next step.

Remediation Step 2: Internal Mediation (Up to 14 calendar days after referral to Mediation):

1. Internal Mediation does not constitute an appeal of the Human Resources Manager's investigation but attempts to support reconciliation between Complainant and Respondent.
2. The Mediator is normally the Manager of Human Resources or designate. If the harassment case also involves students, the Director of Student Services will assume the role of Mediator on behalf of the student. The Mediator(s) will:
 - a. Gather information (clarify issues, process, expectations). The Complainant must be willing to present all information relating to the complaint.
 - b. Set framework for internal Mediation (identify common goals, neutrally identify and reframe issues)
 - c. Build understanding between participants (help resolve misunderstanding or confusion, develop criteria for resolution)
 - d. Review ways in which complaint could be resolved (generate options and evaluate with participants, select most beneficial option and assist participants with implementation, ensure mutual understanding of agreement, write final report of process)
3. Following mediation:
 - a. If Complainant and Respondent agree to the resolution proposed by the internal Mediator(s), the VPA or VPO assists with implementation and any necessary follow-up.
 - b. If Complainant and Respondent do not agree to resolution proposed by Mediator, the case can proceed to Arbitration.
 - c. Participation in the next step, Arbitration is voluntary. If Internal Mediation does not resolve the issues and the Complainant does not agree to proceed to Arbitration, the case is closed, unless the College is required to act under the law.

Remediation Step 3: External Arbitration (5 working days to choose Arbitrator, 60 calendar days from referral to Arbitration):

1. The Human Resources Manager and the parties involved, will select an Arbitrator from a list of five Arbitrators provided by the College. At least three (3) of these proposed Arbitrators will be members of the [Arbitrators' Association of B.C \(AABC\)](#). All Arbitrators must be credentialed or otherwise registered as an Arbitrator. If there is not agreement on the choice of an Arbitrator within two (2) working days of the list being presented, the Human Resources Manager or designate will choose an Arbitrator from the list – this selection will be a member of the AABC. The College will cover the cost of the Arbitrator.
2. Arbitration will follow best practice as laid out by the arbitrator's professional practice and will be conducted in a fair and unbiased manner.
3. Except in exceptional circumstances, investigations (including the preparation of the Arbitrator's report) will be completed within 60 calendar days of the Arbitrator's receipt of the complaint. If, during the course of the investigation, the Arbitrator believes that this timeline cannot be met, the Arbitrator will contact the complainant, the respondent, and the Principal as soon as possible to inform them of the revised timeline.

4. Upon conclusion of the investigation, a written report is sent to the Principal. The Principal, in consultation with the VP(s), will take appropriate action within 7 calendar days of receiving the Arbitrator's report. The report will include:
 - a. a summary of the evidence considered;
 - b. any assessment of credibility that is required to render a determination; and
 - c. the Arbitrator's findings of fact, and a determination as to whether, on a balance of probabilities, this policy has been violated.
5. The external Arbitrator has the discretion to consider requests for support persons for any of the parties involved.

Arbitration Outcomes:

1. If the Arbitrator's report determines that bullying, or harassment has occurred, or that this policy has otherwise been violated, the following will occur depending upon the severity of the complaint:
 - a. The Principal, in consultation with the Human Resources Manager and VP(s) will determine what disciplinary or other measures are appropriate based on the findings in the Report within 7 calendar days of receipt of the report;
 - b. Actions taken will be consistent with rules and regulations, as laid out in the Employment Agreement.
 - c. The Complainant and Respondent will be told that the investigation is complete and that appropriate action has been taken. As appropriate, specific interventions and/or sanctions will be communicated to the impacted party.
 - d. The arbitrator's decision is final.
 - e. 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, which will be considered a lawful order under the Employment Agreement.
2. If the Arbitrator's report determines that this policy has not been violated, the following will occur:
 - a. Human Resources Manager and or Vice-Principal will dismiss the complaint and so notify the Complainant and the Respondent.
 - b. The Complainant will be notified of the option to appeal, as described below.
3. Where the Arbitrator's report identifies misconduct outside of this policy, or including additional members of the College Community, the College reserves the right to open a new investigation into these allegations.

Confidentiality

1. Complaints of bullying, or harassment involve confidential and sensitive information. Confidentiality is required to ensure that those who may have experienced 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, including the Complainant and the Respondent, who are involved in complaints or reports regarding alleged violations of this policy must maintain the confidentiality of any information they receive during the process.
3. All recorded personal information will be treated following the Columbia College Privacy Policy, in line with the guidelines of the [Personal Information Protection Act \(PIPA\)](#).
4. Confidentiality must be distinguished from anonymity. For a complaint to proceed, the identity of the Complainant(s) and the details of the complaint must be released to the Respondent(s) and those involved in the investigation of the complaint.
5. Breach of confidentiality will be handled per the Columbia College Privacy Policy.
6. 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. communicated to a College representative, and only if necessary for the performance of that individual's duties;
 - c. communicated to a complainant, respondent, witness, or another participant in the investigation, and only if necessary to conduct the investigation.
 - d. where an investigation happens where a formal complaint wasn't filed, only information necessary to conduct the investigation will be shared as per points 2 and 3.
7. The incident information is restricted to those involved in the investigation.
8. Information may also be shared where:
 - a. an individual is at imminent risk of self-harm;
or
 - 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.

Retaliatory Action and Breaches of Confidentiality

Retaliatory action of any kind is prohibited and is subject to disciplinary action outlined in the College's Employment Agreement.

Record:

If the employee is found to be responsible for the incident, the incident and response, will be uploaded to both the complainant and the employee file. If the employee is not found guilty, the incident will not be uploaded to the employee file but maintained in the complainant file and Human Resources. The incident is maintained in the file for five (5) years.

If a student is involved, the incident will be uploaded to the student's file and maintained indefinitely.

Grievance Procedure: Section 20.1 GRIEVANCES (Employment Agreement)

In the event of any difference arising between the employee and the College, the grievance procedure outlined in the Employment Agreement may be followed, as detailed therein.

LINKS TO SUPPORTING FORMS, DOCUMENTS, WEBSITE:

[Personal Information Protection Act \(PIPA\).](#)

<https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment>

[Toward a Respectful Workplace: A Handbook on Preventing and Addressing Workplace Bullying and Harassment | WorkSafeBC](#)

<https://www.worksafebc.com/resources/health-safety/interactive-tools/managing-safety-in-education?lang=en>

REFERENCE TO EMPLOYMENT AGREEMENT CLAUSES:

REFERENCE TO BYLAWS or ARTICLES:

n/a

RELATED ACTS AND REGULATIONS:

[Workers Compensation Act, British Columbia: OHS Policy P2-21-2](#)

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01#section1

RELATED POLICIES:

5.10 Respectful Workplace Policy and Procedure

APPROVALS:

Responsible Owner:	Date:
Principal or Designate:	Date:

IF APPLICABLE:

Chair, Academic Board	Date:
Chair, Marketing and Recruitment Committee:	Date:

Chair, Finance Committee:	Date:
Chair, Occupational Health and Safety Committee	Date:

APPROVAL FOR ALL POLICIES

Chair, Board of Governors	Date:
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