



POLICY

Approved:

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Approving Authority: *Board of Governors*

Responsible Executive: President & Vice-Chancellor

Title: Respect in the Workplace Policy and Response Procedures

UNBC Respect in the Workplace Policy

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1. Purpose

This document sets out the University of Northern British Columbia's ("UNBC" or "the employer") Policy and Response Procedures (the "Policy") to foster a positive working and learning environment free from Bullying and/or Harassment.

The Policy will help ensure that those who Report an incident of Bullying, and/or Harassment are treated in accordance with appropriate legal principles and in a manner that is consistent with Bill 14, under the BC *Workers Compensation Act* "Bill 14".

UNBC is committed to educating Members of the University Community on the Policy and Response Procedures. The Policy and Response Procedures will be strengthened by timely, coordinated, consistent, fair, and transparent responses to Reports of allegations of Bullying and/or Harassment.

2. Policy Statement

UNBC is committed to providing a positive and respectful working and learning environment where all Members of the University Community are able to fully engage in their work, studies, and research free from Bullying, and/or Harassment. UNBC is committed to this vision and will strive to ensure that the respect for, and dignity of, individuals is upheld and maintained.

UNBC expects that all Members of the University Community will abide by the provisions as detailed in this Policy and will abide by the laws of Canada, and of the Province of British Columbia, including Bill 14.

UNBC strives to create an environment in which making a Report of Bullying and/or Harassment is supported, and when appropriate, investigated to ensure that any Bullying and/or Harassment ends. UNBC will foster an environment in which everyone feels comfortable and safe making a good faith Report about an encounter involving Bullying and/or Harassment that they have experienced or witnessed.

Excellence in learning, research and work in the University Community is fostered by promoting the freest possible exchange of information, ideas, beliefs and opinions in diverse forms, and it necessarily includes dissemination and discussion of controversial topics and unpopular points of view. Respect for the value of freedom of expression and promotion of free inquiry are central to the University's mission. Nothing in this Policy or in the Procedure is intended to detract from the legitimate exercise of academic freedom of a Member of the UNBC's Faculty Association as defined in the Collective Agreement.

The Board delegates authority to the President to enact procedures to give effect to this Policy.

3. Definitions

- I. **Accommodations** - academic and non-academic interventions intended to support individuals who have experienced Bullying and/or Harassment.
- II. **Bullying and/or Harassment** - a person is bullied and harassed when someone takes an action in relation to that person that they knew or reasonably ought to have known would cause that person to be humiliated, offended or intimidated. A determination that Bullying and/or Harassment has occurred is based not only on what the alleged Respondent and Complainant of the behaviour actually experienced, knew, or understood about each other and the situation, but also on what a reasonable person in each of their circumstances would have experienced, known or understood, taking into account the full context of the situation. When an employer or supervisor takes reasonable action to manage and direct workers or others, it is not Bullying and/or Harassment. A difference of opinion, including the forceful expression of such a difference is not in itself, Bullying and/or Harassment.
- III. **Complainant (s)** - a person or people who make a Report alleging a violation of this Policy.
- IV. **Confidentiality** - the legal or ethical duty of a person not to disclose the personal and confidential information of another person.
- V. **Investigator** – the person assigned by the Associate Vice-President of People, Organizational Design and Risk to investigate the Report of Bullying and/or Harassment.
- VI. **Members of the University Community** - Members of the University Community include the following:
 1. students;
 2. staff;
 3. research personnel (Academic Services) such as Postdoctoral Fellows, Research Associates, Research Managers, Research Skills Development Trainees, etc.;
 4. faculty;
 5. visitors;
 6. contractors;
 7. volunteers;
 8. affiliates;
 9. administrators;
 10. members of the Board of Governors or of the Senate.
- VII. **Report** – a Report made by a Member of the University Community to the Human Resources department of an incident or incidents of alleged Bullying and/or Harassment with the intention of initiating an investigation process.
- VIII. **Respondent (s)** - a person or people alleged to have violated this Policy.

4. Scope and Jurisdiction

This Policy applies to all Members of the University Community as defined in this Policy. All Members of the University Community impacted by Bullying and/or Harassment may access support under this Policy. The employer may investigate any reports of Bullying and/or Harassment involving Members of the University Community.

5. The Employer's Commitment:

- I. treating individuals who report Bullying and/or Harassment with compassion, dignity, and respect, and acknowledging that there is no single approach to handling Bullying and/or Harassment Reports. This means that people affected by Bullying and/or Harassment may need to be supported in different ways, and may require different services;
- II. providing the individuals who report Bullying and/or Harassment with timely responses and assistance when appropriate;
- III. providing individuals who report Bullying and/or Harassment with non-judgmental and empathic support;
- IV. providing individuals who report Bullying and/or Harassment with academic, non-academic and work related accommodations as appropriate;
- V. in appropriate circumstances, providing individuals who wish to report Bullying and/or Harassment with the information to help them decide whether, and to whom, to report an incident of Bullying and/or Harassment;
- VI. ensuring an appropriate investigation process is put in place;
- VII. engaging in appropriate procedures for the investigation and adjudication of Reports of Bullying and/or Harassment that respect University Policies, procedures, and employee collective agreements in a fair manner, and with due process to ensure natural justice;
- VIII. supporting a safe environment where Members of the University Community are free from Bullying and/or Harassment;
- IX. coordinating education and training programs pertaining to the prevention and response to incidents of Bullying and/or Harassment;
- X. providing education and training that will ensure the following:
 - a. a proactive and sustainable focus on how to report, and what is acceptable and unacceptable behaviour;

- b. the dissemination of common definitions, principles, and shared values across the University Community.
- XI. ensuring a regular review and assessment of education and training needs;
- XII. ensuring that the Senior Human Resources Consultants are trained to investigate Reports of Bullying and/or Harassment;
- XIII. providing information to Members of the University Community about Bullying and/or Harassment on all of UNBC's campuses; and
- XIV. ensuring appropriate steps are taken during and following an investigation of Bullying and/or Harassment to ensure the continued safety of the Respondent and Complainant involved in an investigation.

6. Principles of Conduct

The following principles will guide Human Resources on responses to any Reports of Bullying and/or Harassment in the University:

- I. the employer is responsible for ensuring compliance with the Policy through the Procedures set up herein;
- II. UNBC will endeavour to address concerns and Reports made under this Policy promptly and effectively;
- III. Complainants and Respondents are entitled to know that the investigation has been concluded and that concerns or Reports made under this Policy have been addressed. Confidential personal information, such as discipline imposed, will not be disclosed;
- IV. UNBC will endeavour to ensure that everyone involved in the investigation and the resolution of a Report under this Policy understands the need for confidentiality of the facts and issues raised by the Report;
- V. Bullying and/or Harassment is considered serious misconduct and the employer may impose discipline, up to and including termination, consistent with collective agreements and terms of employment. Appropriate discipline will be invoked when necessary for employees that are not members of a collective agreement, and other appropriate actions will be taken in relation to other Members of the University Community who are not employees;
- VI. UNBC strongly supports education and conflict resolution as a means of addressing and resolving concerns and Reports raised under this Policy.

7. Prohibited Conduct

- I. all acts of Bullying and/or Harassment;
- II. retaliation to Reports under this Policy of any kind, including through social or other electronic media. Any Member of the University Community found to have engaged in retaliation, threatened to engage in retaliation, or attempted retaliation, may be sanctioned under this Policy, or other University Policies;
- III. breaching the confidentiality of a Report from a Member of the University Community affected by Bullying and/or Harassment; and
- IV. knowingly and intentionally making a vexatious, frivolous, or malicious Report of Bullying and/or Harassment.

8. Safety – Obligation to Investigate

UNBC has an obligation to Members of the University Community to make all reasonable efforts to protect them from Bullying and/or Harassment. As such, UNBC has the right and the obligation to initiate an internal investigation. An initiation of an investigation can occur, but is not limited to, when:

- I. Bullying and/or Harassment is Reported;
- II. Bullying and/or Harassment is witnessed.

9. Confidentiality

UNBC will not disclose the name of a Complainant or the Respondent or any other details that may identify the parties, unless the information is required:

- I. for the investigation and resolution of a Report;
- II. for taking preventative, remedial and/or disciplinary action;
- III. by law; or
- IV. an individual is deemed to be at imminent risk of harming oneself or others.

10. Interpretation and Related Policies and Procedures

This Policy is to be read and interpreted in conjunction with the relevant provisions of related Policies and Procedures in effect at UNBC, including, but not limited to the following:

- I. Student Conduct Statement of Principles (Undergraduate and Graduate Regulations and Policies);
- II. Harassment and Discrimination Policy;

- III. Sexual Violence and Misconduct Policy;
- IV. Standards of Conduct (Employee Policy);
- V. Emergency Response to Inappropriate, Disruptive or Threatening Behaviour; or
- VI. Interpretation with respect to collective agreements.

Notwithstanding the above, should any of the provisions of this Policy or of the Response Procedures under this Policy intersect or conflict with discipline procedures in any collective agreement, the provisions of the collective agreement shall prevail.

Respect in the Workplace Response Procedures

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1. Purpose

The BC *Workers Compensation Act* sets out the general duties of Employers, Workers, and Supervisors to ensure or protect the health and safety of workers within the University Community. These duties include preventing and addressing workplace Bullying and/or Harassment. WorkSafeBC issued Bill 14 on November 1, 2013, to address workplace Bullying and/or Harassment. In addition to its statutory duties to its workers, UNBC recognizes its duties to ensure that all Members of the University Community are free from Bullying and/or Harassment.

The purpose of these Procedures is to ensure there is a clear process that allows any Member of the University Community to report a personal event or a witnessed event of Bullying and/or Harassment. The Procedures are managed and amended on the authority of the Vice-President responsible for Human Resources.

2. What is Bullying and/or Harassment

Bullying and/or Harassment includes any inappropriate conduct or comment towards a person that a reasonable person knew, or ought to have known, would cause a person to be humiliated, offended or intimidated.

Some examples might include, but are not limited to:

- a. verbal aggression, insults, or calling someone derogatory names;
- b. vandalizing a person's personal belongings;
- c. sabotaging another person's work;
- d. spreading malicious rumours;
- e. carrying out harmful or offensive initiation practices or hazing;
- f. making personal attacks based on a person's private life or personal traits;
- g. making aggressive or threatening gestures; and
- h. cyber-bullying which can include, but is not limited to:
 - o sending harassing emails or text messages; or
 - o posting humiliating or intimidating information on social media or websites.

Bullying and/or Harassment can come from many sources including co-workers, students, supervisors and employers, or from external sources such as clients, customers, members of the public, or workers from other organizations.

Each situation has to be considered in context. For example, yelling to warn someone about a hazard might be appropriate given the situation, but calling someone demeaning names is not.

3. What is Not Bullying and/or Harassment

Not every unpleasant interaction, instance of disrespectful behaviour or workplace conflict is or will be considered Bullying and/or Harassment. Expressing a difference of opinion, offering constructive feedback or advice about work or study related behaviour, performance, and/or making a Report/complaint through established procedures or processes about a Member of the University Community is not Bullying and/or Harassment.

Examples of situations that do not constitute harassment include, but are not limited to:

- a. legitimate, reasonable managerial actions to direct and control how work is performed, e.g. allocating work in accordance with systems and policies;
- b. feedback and performance management;
- c. undertaking disciplinary action for established misconduct;
- d. overseeing injury and illness processes in accordance with Occupational Health and Safety legislation;
- e. minor workplace issues, such as disagreements and differences of opinion, matters or circumstances unrelated to employment or in the case of students' employment, and/or living on campus for example, harassment that occurs during a social gathering of employees/students that is not sponsored by the University; and
- f. physical contact necessary for the performance of the work using accepted industry standards.

However, harassment that occurs while attending a conference, training session or athletic event where the individual(s) is representing the University is covered within this Policy.

It is also important to note that reasonable management action is not considered workplace Bullying and/or Harassment. Managers, Supervisors, and Deans have many responsibilities — including directing and supervising how work is performed, monitoring workflow, and providing feedback on performance. As long as those actions are taken in a respectful manner in accordance with University policies, they do not constitute Bullying and/or Harassment.

Reasonable management action might include decisions related to:

- a. job duties and/or work to be performed;
- b. workloads and deadlines;

- c. layoffs, transfers, promotions, and reorganizations;
- d. work instruction, supervision, or feedback;
- e. work evaluation; and
- f. performance management, discipline, suspensions, or terminations.

4. Effects and Potential Indicators of Workplace Bullying and/or Harassment:

Bullying and/or Harassment is a health and safety concern that may have many effects. It can distract someone while they are performing tasks that require concentration, which can lead to physical injury. It can also lead to physical illness and psychological injuries, such as anxiety, depression or thoughts of suicide.

Bullying and/or Harassment might lead to lower productivity, lower morale, higher rates of unexpected absenteeism, and turnover. Studies show that bullying affects more people than just the Complainant, and that witnesses of Bullying and/or Harassment are as likely as, or even more likely than, the Complainant to leave their work or studies if they are exposed to an environment that is subject to Bullying and/or Harassment.

5. The Employer's Obligation

It is the responsibility of each Vice President, in cooperation with Human Resources, to ensure that those in supervisory or leadership roles in their portfolio have access to the proper training necessary to understand rights and responsibilities in a respectful working, learning and living environment, including their own responsibility to recognize, investigate, respond to, and manage complaints of Bullying and/or Harassment and to educate those they supervise or lead regarding those rights and responsibilities.

Education, increased awareness, and prompt action are vital to create and maintain respectful working, learning and living environments at UNBC. The employer shall provide training, support and resources to raise awareness about the principles of a respectful working, learning, and living environment and to address concerns in a positive and effective manner when they do occur.

The Employer has the legal obligation to:

- a. have a Policy and a Procedure that addresses Bullying and/or Harassment, and clarifies that this behaviour is unacceptable and will not be tolerated;
- b. take steps to minimize or prevent Bullying and/or Harassment;
- c. have procedures for Members of the University Community to report if they feel they have experienced or witnessed Bullying and/or Harassment, including how to report if the person to whom they would otherwise Report is the Respondent;
- d. have Procedures that explain how Reports of Bullying and/or Harassment are to be handled; and
- e. provide training pertaining to Bullying and/or Harassment behaviour to employees of the University Community.

Every Member of the University Community has a role to play when it comes to preventing and addressing Bullying and/or Harassment.

6. How to Report Bullying and/or Harassment

If you witness or experience Bullying and/or Harassment at the University, a report can be directed to your Supervisor, Manager, Director, Dean, Chair, union representative, or to Human Resources. If your Manager, Supervisor, Dean, Director or Chair is the Respondent, you are to report it to the Associate Vice President of People, Organizational Design, and Risk. If the Associate Vice President of People, Organizational Design and Risk is the Respondent, you are to report it directly to the President.

7. Resolving a Report of Bullying and/or Harassment

Upon review of a Report of Bullying and/or Harassment, the Associate Vice-President of People, Organizational Design and Risk will determine the appropriate next steps and may assign a trained investigator to make findings of fact in relation to the Report. The investigator will determine which procedure for resolving the Report best applies.

The following procedures are not meant to be restrictive, and are presented as illustrative guidelines to address a Report of Bullying and/or Harassment. In all cases, investigations will follow the principles of natural justice. If a Report is submitted to Human Resources, the following steps listed in the informal procedures and the formal procedures of resolving the Report could apply.

8. Informal Procedure for Resolving a Report of Bullying and/or Harassment

I. Resolution (Direct Approach)

Any Member of the University Community who believes they have been subjected to Bullying and/or Harassment is encouraged to speak directly to the individual(s) concerned and request that the behaviour ceases. It is recognized that power imbalance, intimidation, fear of retaliation, and other factors may make this approach inappropriate or unwise and that the person may need assistance in resolving their specific concerns.

II. Resolution (Supervisor, Manager, Dean, Chair involvement)

If a person (Complainant) feels unable to deal with the person directly, they may approach their Supervisor, Manager, Dean, Chair or union/association representative. If, for any reason, a person feels uncomfortable in approaching any of these people they can speak to a member of the Human Resources department, the Director of Human Resources or the Associate Vice President People, Organizational Design and Risk.

III. Resolution (Mediation)

Mediation is a voluntary dispute resolution mechanism that aims to assist the Complainant and Respondent in reaching an agreement with concrete outcomes. Both the Complainant and Respondent must agree to mediation. To access the services of a mediator, please contact Human Resources. If the parties choose mediation, they will:

- a. meet with a skilled, impartial mediator to discuss the complaint and the possibilities for resolution;
- b. keep discussions confidential unless there is information they jointly agree to release;
- c. reach an agreement on the disputed matter; and
- d. abide by the agreement moving forward.

Each person has the right to be accompanied and assisted during mediation by a union, association or other appropriate representative. In the event mediation does not resolve the dispute, the matter may be referred to the formal complaint process.

9. Formal Procedures for Resolving Reports of Bullying and/or Harassment

Reports of Bullying and/or Harassment should be filed in writing to Human Resources within twenty (20) working days of the most recent incident of Bullying and/or Harassment or when the informal resolution process failed to resolve the issue. Human Resources will assign an investigator who will provide the Respondent with a copy or summary of the Report, and proceed with the investigation upon review of the Report when warranted. The Respondent may also request a formal process to investigate the Report.

In exceptional circumstances, a Report that does not meet the timeline may be accepted for consideration under the Policy when, in the opinion of the Associate Vice President, People, Organizational Design and Risk or designate:

- a. circumstances warrant an extension of this deadline;
- b. the delay was incurred in good faith; and
- c. no substantial prejudice will result to any person affected by this delay.

In any case, the delay must not exceed two (2) months of the most recent incident of Bullying and/or Harassment or when the informal resolution process failed to resolve the issue.

Human Resources may decide not to proceed with a Report if it determines:

- a. there is no reasonable basis to justify the Report proceeding;

- b. the time limits have expired;
- c. the Report could more appropriately be dealt with under another process;
- d. it is frivolous (lacking in seriousness; inclined to levity; silly);
- e. it is vexatious (serves only to annoy and does not contain any basis for action); or
- f. it is malicious (intending or intended to do harm).

When Human Resources decides to not accept a Report or to extend the timeline for accepting a Report, this decision and the reasons for it will be communicated to both the Complainant and the Respondent. These decisions may be appealed by written submission to the appropriate Vice-President no later than ten (10) days after receipt of the decision to not proceed with the investigation. The Vice-President's decision will be final.

I. Investigation of a Formal Report

When a Report is accepted, it will be investigated as expeditiously as possible in a sensitive, respectful, and confidential manner. When Reports include allegations of violence or threats of violence towards a Member of the University Community, the investigation will be conducted by a member of the Human Resources department, the Director of Safety and Security and a Vice President or Provost. It is recognized that there may be circumstances where, in the interest of fairness to all parties, the investigation may be protracted. The Complainant and Respondent may be accompanied by a union or other appropriate representative at any interviews relating to the investigation.

The investigator shall prepare an investigation report that outlines the results of the investigation. These investigation reports will outline the findings of fact of the investigation. Copies of the investigation reports shall be provided to the Respondent, Dean/Supervisor (if applicable) and the Associate Vice-President and/or Vice-President or Provost responsible for the Respondent. The Respondent will be provided an opportunity to meet with the investigator to discuss the conclusion, and findings of the investigation. It is important to note that in many circumstances the Complainant is not entitled to know what actions were taken with respect to the Respondent's right to confidentiality.

II. Resolution of a Formal Report

Reports shall normally be resolved by the Associate Vice-President or Vice-President responsible for the Respondent. The Vice-President will review the investigation report and make a determination as to whether Bullying and/or Harassment has occurred. If there are findings of inappropriate behaviour, the Vice-President shall give directions for remedial and/or disciplinary action required to resolve the Report. When appropriate, the Vice-President will make a recommendation to the President that remedial action is to be taken. Remedial action may include a direction to cease the behaviour, provide an apology, and/or a

requirement to participate in an education program regarding respect in the workplace, or a letter of expectation. Disciplinary action may include reprimand, suspension, or termination.

Where disciplinary action is recommended, the Vice-President may consult with the Associate Vice-President of People, Organizational Design and Risk and the Respondent's Dean, Director, or Manager prior to finalizing any recommendations for disciplinary action. Any recommended course of action should be considered in terms of natural justice, fairness, reasonableness, and institutional consistency.

Where, in the opinion of the Vice-President, personal harassment has had a negative impact on a particular work or educational group environment, the Vice-President may consider remedial action designed to restore that environment.

The Vice-President responsible for resolving or making a recommendation on the outcome of the Report, or their delegate, will inform the Respondent of his or her decision regarding the matter in person, when possible, and confirm in writing any remedial action or changes that may be required to prevent future complaints of a similar nature and any disciplinary action to be imposed. The Respondent may be accompanied by union or other appropriate representation at this meeting.

The Vice-President or their delegate responsible for resolving the Report of Bullying and/or Harassment will convey the final disposition of the Report to the Complainant. This may include an overview of actions to remedy the situation for the Complainant, and any measures undertaken to restore the environment, if required.

III. Retaliation

Any retaliation against a Complainant or the Respondent that arises, directly or indirectly, from the lodging or processing of a Report will in itself be considered a violation of this Policy and will be subject to remedial and/or disciplinary action.

IV. Vexatious, Frivolous, or Malicious Complaints

A Report will not be considered vexatious, frivolous, or malicious merely because it is found to be unsubstantiated following investigation. When the investigator determines that a Member of the University Community has made a vexatious, frivolous, or malicious Report, the investigator and the Associate Vice-President will inform the Manager, Supervisor, Dean or Vice-President responsible for the Complainant and will in turn determine whether any disciplinary or other action is warranted. The range of discipline imposed may include, but is not limited to, a reprimand, suspension, or termination.

V. Right to Grieve or Appeal

Any disciplinary action taken as a result of a violation of this Policy may be subject to a grievance under the relevant collective agreement or an appeal to the President. An appeal to the President is not allowed when an employee elects to proceed under the grievance procedure. Appeals to the President must be in writing

and occur within ten (10) working days of the decision being communicated to the Respondent. Any decision by the President respecting an appeal under this procedure will be final.

VI. Conflict of Interest

Should the nature of the Report place any of the administrators responsible for acting under these Procedures in a conflict of interest, a member of the Executive who has no involvement in the situation will be responsible for identifying an alternate administrator.

When the Respondent is a Senior Administrator (Associate Vice-President, Vice-President or President), the Report will normally be referred to an external investigator who shall fulfill all of the investigative responsibilities. The investigation report shall include an opinion on whether Bullying and/or Harassment occurred and may include recommendations for resolving the Report. This investigation report will be submitted to the President (or the Chair of the Board of Governors should the Report involve the President) for resolution and the right of appeal would be to the Chair of the University Board of Governors.

10. Annual Report

The President will provide information to the Board of Governors each year on the implementation of the Policy.

11. Policy Review

The University will continue to monitor best practices and research, and will review and update the Policy whenever it is reasonable to do so. The University is committed to reviewing the Policy annually and/or when directed to do so by the Minister of Advanced Education or Work Safe BC.