



NORTHERN LIGHTS COLLEGE

Respectful Workplace

Policy Number:	H-1.11
Category:	Human Resources
Effective Date:	October 13, 2017
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POLICY

Northern Lights College (NLC) is committed to providing a respectful working environment that is free of Bullying and Harassment and Discrimination, supportive of academic excellence, and one that upholds the dignity, self-esteem and fair treatment of all members of the Northern Lights College Community. The College seeks to create a climate that encourages and values each person's contribution to the development and wellbeing of the community.

PURPOSE

Bullying and Harassment and Discrimination in the College workplace is unacceptable and will not be tolerated. The College encourages reporting of all incidents of Bullying and Harassment and/or Discrimination, regardless of who the offender may be.

SCOPE

Applies to all employees of Northern Lights College, including managers and senior administration. This policy applies to allegations and incidents of Bullying and Harassment or Discrimination in the College's employment environment. In order for this policy to apply to incidents occurring off any of the campuses, there must be a connection to employment with the College and a potential for an adverse impact on employment with the College.

PROCEDURE

- All complaints must be made within six (6) months of the last alleged incident. In unusual circumstances, a complaint filed beyond the six-month limitation may be pursued under this policy with the approval of the Executive Director of Human Resources.
- This policy will not prevent an individual from pursuing action through alternate resolution procedures including legal action; however there is no entitlement to duplication of process. In particular:
 - No action will proceed under this policy if the complaint has already been dealt with through some other process, whether internal or external.
 - If a complainant makes a complaint under this policy and also pursues the complaint through some other process, proceedings under this policy may be adjourned or terminated as appropriate pending resolution of other process.
- This policy is subject to the *Human Rights Code*, the *Freedom of Information and Protection of Privacy Act (FIPPA)*, *Workers' Compensation Act*, and laws of general application.
- This policy and its procedures will not interfere with rights and obligations specified in the current collective agreements between the College and the BCGEU.

- Nothing in this policy limits the rights of faculty to academic freedom in teaching, research, or in the evaluation of student performance.

Principles

- All members of the College community share responsibility for creating and maintaining a working environment free from Bullying and Harassment and Discrimination. This means not engaging in, allowing, sanctioning or ignoring behaviour contrary to this policy.
- College personnel who supervise employees or classrooms carry the primary responsibility for maintaining a working and learning environment free from Bullying and Harassment and Discrimination. They will act on this responsibility whenever necessary, whether or not they are in receipt of a complaint.
- Those responsible for interpreting, administering, and applying this policy will do so objectively, giving equal regard to the rights of both the complainant and respondent.
- All employees of the College have a right to bring forward a complaint of Bullying and Harassment or Discrimination in instances where they have reason to believe Bullying and Harassment or Discrimination have occurred.
- Complaints that are trivial, frivolous, vexatious, or made in bad faith may result in the College taking disciplinary action against the complainant, up to and including dismissal.
- The respondent has the right to know the allegations made against him or her, by whom the allegations were made, and to be given an opportunity to respond to the allegations made.
- The respondent and the complainant have the right to a fair and timely process of resolution.
- In appropriate circumstances, the College may direct that a complaint be investigated and/or determined by an external party.
- If the complainant is a student and the respondent is an employee, the issue will be pursued under this policy, however if the respondent is also a student, refer to A-5.04 Student Non-Academic Code of Conduct, A-5.18 Sexual Violence and Misconduct, and A-5.15 Student Discrimination, Bullying and Harassment policies.
- If the respondent is a member of the general public, refer to H-1.15 Violence in the Workplace policy.

Confidentiality

- The College and those involved in the complaint process on the College's behalf will maintain confidentiality throughout the complaint process to the extent possible under the circumstances. Personal information pertaining to a complaint will not be disclosed except as required by law or as necessary to investigate or resolve a complaint.
- Failure by an employee to maintain confidentiality may result in the College taking disciplinary action, up to and including dismissal.
- If the College, or outside third party, determines that the safety of an individual is at risk, the procedures and rights outlined in this policy, including confidentiality may be set aside.
- Except letters of discipline or censure, all records related to the complaint will be held in the strictest confidence in a file separate from an employee's personnel file in Human Resources.

Process:**A. General Guidelines Regarding the Complaint Process**

In all instances the parties are encouraged to work toward a mutually satisfactory solution to a complaint. In appropriate circumstances the College may assist in this process through the appointment of a mediator agreed to by the parties.

If comfortable doing so, employees are encouraged to contact the alleged bully/harasser and inform them that their conduct is unwelcome and contrary to the policy. The employee may demand that the offending behaviour stop immediately, and document the incident(s) and the discussion. While this is often the simplest and most effective way to end the Bullying and Harassment or Discrimination, a victim of harassment is not obligated to confront the alleged bully/harasser.

If the Bullying and Harassment and/or Discrimination does not stop, an employee may file a complaint or report their concerns by submitting the Complaint form H-1.11.01.

Interference with the conduct of the investigation or retaliation or threats of retaliation against any person involved in any way in the complaint process will not be tolerated and may result in disciplinary action by the College, up to and including dismissal.

B. Guidelines for Resolution of a Complaint**Making a Complaint:**

- All complaints under this policy shall be submitted in writing using the Complaint Form (obtained from the HR Department).
- Where an employee is named as a respondent, the complaint must be submitted to the Executive Director of Human Resources. If the Executive Director of Human Resources is the subject of the complaint, then the complaint may be submitted to the President of NLC.

Receipt of Complaint:

- The Executive Director of Human Resources or his/her designate will acknowledge receipt of the complaint in writing and will inform the complainant whether the complaint will be pursued under this policy, and, if not, the reasons why.
- All complaints will be taken seriously, and will be dealt with fairly and promptly.

If it is determined that the Complaint *Will* Be Pursued under this Policy:

- If the subject matter of the complaint fits within the definition of Bullying and Harassment and/or Discrimination or Sexual Harassment, it will be investigated. The investigation will be approached in an unbiased manner.
- The Executive Director of Human Resources or his/her designate will provide a copy of the complaint to the respondent and advise the respondent that he/she is required to provide the Executive Director of Human Resources or his/her designate with a written response.
- The Executive Director of Human Resources or his/her designate will also provide the respondent with a copy of this policy.
- The Executive Director of Human Resources will forward a copy of the respondent's written response to the complainant.
- The Executive Director of Human Resources may appoint an investigator to engage in a determination of facts. The investigation will commence as soon as possible.

- Both the complainant and the respondent will be interviewed, as well as any other witnesses. The investigator may also examine any other evidence, including documentary or physical evidence relevant to the complaint.
- All employees are expected to cooperate with any investigation and provide any details of incidents they have experienced or witnessed.
- Following the conclusion of the investigation, the investigator will submit a written report to the Executive Director of Human Resources or his/her designate. The investigation report and any related investigation documents will be retained by the Executive Director of Human Resources in a secure location.

If it is determined that the Complaint *Will Not Be Pursued*:

- The Executive Director of Human Resources or his/her designate will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy.
- The information provided will include the reasons for not pursuing the complaint and a statement that no response to the complaint is required. The College will, at the employee's request, record the disposition of the complaint in the employee's personnel file.

Determination of Findings:

- If the complaint is found to have merit, then appropriate action will be taken. This action may include education, training or counselling, modification of policies/procedures, and/or discipline or dismissal of the offending person(s).
- If it is determined that the respondent has not bullied and harassed or discriminated against the complainant, the complaint will be dismissed.
- Faculty and Support staff members have the right to grieve disciplinary action, if any, in accordance with the applicable Collective Agreement.
- In appropriate circumstances, employees may be referred to the Employee Assistance Plan or be encouraged to seek medical advice.

C. Policy Administration

Costs:

Northern Lights College will be responsible for the costs of administration of this policy. If it is determined that a complaint is fraudulent, vexatious, or frivolous, the College reserves the right to seek indemnification from the complainant for costs incurred in pursuing the complaint.

DEFINITIONS

Bullying and Harassment:

Bullying and Harassment means:

- any inappropriate conduct or comment by a person towards an employee that the person knew, or reasonably ought to have known, would cause that employee to be humiliated or intimidated, or
- 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.

However, Bullying and Harassment excludes any reasonable action taken by an employer 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:

- words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- spreading malicious rumours;
- threats or intimidation, including threats of violence;
- vandalizing personal belongings;
- physical assault or violence; or
- persistent rudeness, bullying, taunting, patronizing behaviour, or other conduct which adversely affects working conditions or work performance.

Discrimination:

Discrimination means discrimination in employment based on: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, sexual orientation, physical or mental disability, gender or criminal or summary conviction unrelated to employment or intended employment except where there is a bona fide occupational requirement (BFOR). Discrimination includes Sexual Harassment, as defined below.

Sexual Harassment:

Sexual Harassment is defined as one or a series of comments or conduct of a sexual nature that is known or ought to be reasonably known to be unwelcome, offensive, intimidating, hostile, or inappropriate, and that detrimentally affects the work environment or leads to adverse job-related consequences. Sexual Harassment includes, but is not limited to:

- unwelcome sexual remarks, jokes, including innuendo or taunting about a person's body, attire, gender, or sexual orientation;
- unwelcome or inappropriate physical contact such as touching, kissing, patting, hugging, or pinching;
- unwelcome inquiries or comments about a person's personal life of a sexual nature or sexual preference, or persistent requests for a date;
- leering, whistling, or other suggestive or insulting sounds;
- posting or displaying sexually oriented materials;
- requests or demands for sexual favours which include, or strongly imply, promises of rewards for complying and/or threats of punishment for refusal.

Single acts of sufficient severity may constitute Sexual Harassment.

Criminal Harassment:

Criminal Harassment or "stalking" is a federal offence and generally consists of repeated, unwanted contact or actions carried out over a period of time. These actions cause victims to reasonably fear for their safety but do not necessarily result in physical injury. These actions may, however, be precursors to subsequent violent acts.

While Criminal Harassment falls outside the scope of this policy, the College is committed to full cooperation with all levels of law enforcement agencies to create a working environment free from Criminal Harassment.

STAKEHOLDERS

All employees of Northern Lights College

RELATED POLICIES AND REFERENCES

A-5.04 Student Non-Academic Code of Conduct

A-5.18 Sexual Violence and Misconduct

H-1.15 Violence in the Workplace

Legislative References

- *Human Rights Code RSBC 1996 c. 210, Part 1*
- *Workers Compensation Act, RSBC 1996, c. 492*
- *Colleges and Institutes Act RSBC c. 52 s.26*
- *Criminal Code of Canada Consolidated Statutes and Regulations 1193 c.-46 s.264*

Collective Agreement References

- *Faculty Common Agreement / Article 2*
- *BCGEU Local 7.10 – NLC support / Article 1.07*

History

Created/Revised/Reviewed	Date	Author	Approved By
Created	April 2008		
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Revised	October 13, 2017	Executive Director of HR	Administrative Committee

Next Scheduled Review Date

June 2018