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RESPECTFUL WORKPLACES AND PREVENTION OF WORKPLACE BULLYING AND HARASSMENT POLICY

POLICY STATEMENT

North Island College (the College) is committed to providing a learning and working environment where all employees are treated with respect and dignity. The College recognizes that a respectful workplace provides employees with a psychologically healthy and safe environment where collegiality, trust, growth, and discovery can flourish.

PURPOSE STATEMENT

This policy establishes the obligation of all College employees to conduct themselves in a respectful manner, and to refrain from engaging in conduct that disrespects others, and interferes with their rights to a dignified, healthy, safe, and productive workplace.

This policy also prohibits conduct which would be considered Bullying and Harassment as defined by WorkSafeBC (Workplace Bullying and Harassment) and conduct which is violent or deemed threatening. Workplace Bullying and Harassment and any acts of violence or of threatened violence are serious acts of misconduct and may prompt a range of disciplinary sanctions up to and including the termination of employment at the College.

SCOPE AND APPLICATION

This policy and its procedures apply to all North Island College employees and their working environments, including virtual working environments. It specifically focuses on standards for respectful engagement in College workplaces and provides a mechanism for employees to voice concerns, seek support and pursue resolution to incidents of disrespect should they arise.

Where an employee is subject to a Collective Agreement, the relevant terms of that Collective Agreement will inform application of this policy. Should a provision in this policy be inconsistent with a term in that Collective Agreement, the term in the Collective Agreement will prevail to the extent of the inconsistency. Should a Complainant initiate a grievance in respect to an alleged breach of this policy, the grievance process will be followed in lieu of a procedure pursuant to this policy.

Contractors, including their employers and agents, who contravene this policy are in breach of their contract with the College, and the matter will be addressed through contract law.

Volunteers and visitors to the College who contravene this policy may be prohibited from participating in College Activity or attending property owned or managed by the College.

PRINCIPLES

1. This policy and its procedures will be interpreted, administered, and applied in a fair, reasonable, unbiased and timely manner.
2. This policy will not be employed to limit Academic Freedom; however, Academic Freedom will not protect conduct that discriminates against or sexually harasses an individual or group or be permitted to promote conduct that is disruptive to the College learning or working environment.
3. This policy will not be interpreted or applied in a manner that limits the rights and obligations of the College and its administrators to supervise, instruct and discipline employees or to refer matters to local police or other authorities external to the College where appropriate.
4. Workplace Bullying and Harassment and acts of violence or threatened violence create an unsafe working environment and will not be tolerated.

DEFINITIONS

Academic Freedom	Academic Freedom includes the freedom to express views, to encourage and engage in discussion and criticize ideas. Academic Freedom carries with it the duty to use the freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge. Academic Freedom cannot be used as a defense to promote hatred of any individual or group of persons, or to defend against such unlawful activity as discrimination and sexual harassment.
<i>Bona Fide</i> Occupational Requirement (BFOR)	A BFOR is a standard adopted for a purpose rationally connected to performance of a job, that is adopted in an honest and good-faith belief that it was necessary to fulfill a legitimate work-related purpose, that the standard is reasonably necessary to fulfill its purpose and that due to its existence cannot permit for accommodation of individuals with protected characteristics without imposing undue hardship.
<i>Bona Fide</i> and Reasonable Justification	Once a Complainant proves that a personal characteristic was a factor in adverse treatment regarding employment, the Respondent can defend themselves by providing that the behaviour was for a purpose or goal that is rationally connected to the function being performed, was done in good faith, and that the behaviour was reasonably necessary to accomplish a purpose or goal, such that the Complainant cannot be accommodated without undue hardship.
College Activity	Any type of activity, at any time, that is operated under College control. All activities at the college campuses or centers are college-related unless they are within the exclusive control of one or more Constituency Organizations or an organization/group external to the College.
Complainant	A College Community member who initiates a Complaint pursuant to this policy.
Complaint	A written statement of facts alleged by a Complainant that, if substantiated, would indicate a breach of one or more provisions of this policy.

Constituency Organizations	Canadian Union of Public Employees (CUPE) LOCAL 3479; North Island College Faculty Association (NICFA); North Island Students' Union (NISU)
Contractor(s)	A business or individual whose relationship with the college is defined by a contract other than a contract of employment, and all employees and/or agents of that business or individual.
Cyberbullying	The use of communication technologies such as the internet, social networking sites, websites, email, text messaging and instant messaging to engage in Workplace Bullying and Harassment as defined in this policy.
Discrimination	<p>Discrimination occurs when an individual who has, or who is perceived to have, a characteristic protected by the <i>Human Rights Code</i> (a Protected Characteristic) experiences an adverse impact that has a nexus of connection with the Protected Characteristic and there is no defensible justification for the discrimination under the <i>Human Rights Code</i>.</p> <p>The existence of a <i>Bona Fide Occupational Requirement</i> or the existence of a Special Program seeking to redress historical or systemic discrimination are examples of justifiable discrimination under the <i>Human Rights Code</i>.</p>
Policy Advisor	An appropriately trained person appointed by the Associate Vice President, People, Equity and Inclusion, and trained to advise College employees in connection with Complaints made pursuant to this policy and to facilitate informal dispute resolution procedures. The Policy Advisor may also provide information and advice about other College policies that may apply to a particular concern.
Investigator	An appropriately qualified person who undertakes a formal examination of allegations made in Complaints and any associated evidence available and produces a report of their resulting findings. The report will include the investigator's findings of fact and opinion as to whether policy violations occurred.
Reasonable Person Standard	The reasonable person standard refers to an assessment of responsibility that takes into account not only what the Complainant and Respondent actually experienced, knew, or understood about one another or the situation, but also what a reasonable person in each of their circumstances would or ought to have experienced, known, or understood.
Respect	Respect means demonstrating due regard in all activities for the rights, goals, perspectives, efforts, and traditions of all North Island College employees, even when they differ or conflict with those of others.

Some of the ways respect is demonstrated include:

- a. engaging in language and conduct that reflects social standards of courtesy and respect for an individual's dignity, including a considered effort to effectively communicate across cultures, identities, and lived experiences;
- b. listening to the needs and experiences of others in order to find collaborative, mutually acceptable ways of addressing discord and difference;

- c. acknowledging that others may have different ways of accomplishing their work which are valid and worthy of pursuit, even where they differ significantly from your own;
- d. refraining from comments and actions which may put the character, competence, or motives of a colleague in question without a clear and demonstrable evidentiary basis for such comments; and
- e. refraining at all times from behaviour which would constitute Workplace Bullying and Harassment, Discrimination or Sexual Harassment as those terms are defined by this policy.

Respondent	An employee of the College who is alleged to have breached this policy in a Complaint made pursuant to this policy.
Responsible Administrator	The Responsible Administrator in a particular case will be determined by the role within the College held by the Respondent, and generally will be the administrator to whom an employee reports.
Sexual Harassment	<p>Sexual Harassment in the workplace is unwelcome conduct of a sexual nature that detrimentally affects the working environment or that leads to adverse job-related consequences for the victims of the harassment.</p> <p>All allegations of Sexual Harassment made by a student against an employee will be considered allegations of sexualized violence and addressed through Policy 3-34, Sexualized Violence Prevention and Response Policy.</p> <p>Allegations of Sexual Harassment made by an employee against another employee will be assessed on a case-by-case basis to determine whether Policy 2-08, Human Rights Policy, or Policy 3-34, Sexualized Violence Prevention and Response Policy, applies. Should both policies apply, the policy and procedures set out in Policy 3-34, Sexualized Violence Prevention and Response Policy will govern the College's response.</p>
Special Program	An employment equity program that has as its objective the amelioration of conditions of disadvantaged individuals or groups who are disadvantaged because of Indigenous identity, race, colour, ancestry, place of origin, physical or mental disability, sex, sexual orientation, or gender identity or expression, or other personal characteristics protected under the Human Rights Code and achieves or is reasonably likely to achieve that objective.
Workplace Bullying and Harassment	<p>Workplace Bullying and Harassment includes any inappropriate conduct or comment by a person towards an employee of North Island College that the person knew, or reasonably ought to have known, would cause that employee to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees of the College.</p> <p>Examples of conduct or comments that might constitute Workplace Bullying and Harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours.</p>

GUIDELINES

1. All employees of North Island College deserve Respect and are obliged to treat other employees with Respect in all College Activities.
2. Employees may be subject to remedial or disciplinary action if they breach the standards of conduct established in this policy, either through the procedures set out in this policy, or in the case of alleged Discrimination or Sexual Harassment through the policy and procedures established by the Human Rights Policy, or the Sexualized Violence Prevention and Response Policy, as applicable.
3. No one who, in good faith, raises a concern, makes a Complaint, or provides evidence in an investigation related to a Complaint made pursuant to this policy will suffer reprisal or retaliation.
4. Frivolous, vexatious, or malicious Complaints may be considered a violation of this policy and the individual responsible for the frivolous, vexatious or malicious Complaint may be subject to disciplinary action.
5. Education and increased awareness are essential to the creation of a respectful workplace and to eradicating Workplace Bullying and Harassment; thus, individuals who believe that they have been subject to disrespectful conduct are encouraged to first inform the party responsible for the objectionable conduct that the behaviours are unwelcome and inappropriate and ask that they cease.
6. However, it is recognized that in some situations personal, direct communication with the party responsible for the behaviour in question may not be appropriate. In such scenarios, a Policy Advisor may be contacted for assistance in determining appropriate next steps, up to and including the filing of a Complaint.
7. The Associate Vice President, People, Equity and Inclusion will appoint Policy Advisor(s). Employees may contact Human Resources to obtain the name(s) of a Policy Advisor(s).
8. Employees with whom a concern about disrespectful conduct is raised are expected to listen to the concerns and respond in ways that serve to build understanding and remedy any negative impacts that their conduct may have created, however unintentional the impact may be.
9. All North Island College employees who are in a position of leadership or who have one or more direct reports are expected to set an example of respectful conduct and to be prepared to respond to potential breaches of this policy, whether the potential breach is directly observed by them or raised by an employee.
10. An employee who feels that they have been treated disrespectfully and who was been unable to resolve their concern through direct communication with the person who engaged in the conduct, or those for whom direct communication may be inappropriate, may contact a Policy Advisor to make a formal written Complaint.
11. When a Complaint is raised pursuant to this policy, the College may take interim measures to address the safety and well-being of employees and these interim measures will not be considered disciplinary in nature unless an investigation has occurred and the findings of that

investigation support disciplinary action.

12. A Complainant or Respondent may be accompanied by a support person and/or a representative from their Union, if they are a member of a Union, when raising a concern, initiating a complaint, or engaging in any of the dispute resolution processes set out in this policy's procedures.
13. Complaints made pursuant to this policy will be assessed according to the Reasonable Person Standard.
14. Responsible Administrators, Policy Advisors, other Exempt Administrators and their designates, who exercise authority and discretion under this policy and its procedures will do so in conformity with the principles of procedural fairness and in accordance with any relevant collective agreement provisions or other applicable College policy or procedures.
15. Information gathered with respect to concerns and Complaints will be received and maintained in confidence to the greatest extent possible. Exceptions to confidentiality include due process requirements, legal requirements, and the ability for Complainants and Respondents to discuss a Complaint in confidence with their Responsible Administrator, a support person, and/or a representative of their Constituency Organization.
16. Confidentiality is not the same as anonymity. For a Complaint to proceed, the identity of the Complainant and the details of the Complaint will be released to the Respondent and to those involved in the Complaint resolution procedures associated with this policy.

LIMITATIONS

This policy and its procedures focus on standards for employees in the workplace. It serves as a companion policy to the North Island College Human Rights Policy, Policy 2-08, which establishes a standard for fairness and equity in all College Activity, and the prevention of discrimination and harassment based on personal characteristics identified as protected by the *Human Rights Act*.

Please refer to the Human Rights Policy for information about the standards and processes available to address human rights concerns, and to other College policies for concerns related to violence or sexualized violence.

This policy will not apply to allegations of the Sexual Harassment of students, instead the Sexualized Violence Prevention and Response Policy will apply. Allegations of the Sexual Harassment of employees will be evaluated to determine which policy will apply, and to what extent.

ASSOCIATED DOCUMENTS

Respectful Workplaces Procedures (under development)

LEGISLATIVE AND COLLECTIVE AGREEMENT REFERENCES

[College and Institute Act](#)

[Workers Compensation Act](#)

Collective Agreement between North Island College and CUPE Local No. 3479

Collective Agreement between North Island College and North Island College Faculty Association

Common Agreement between The Employers' Bargaining Committee on behalf of member institutions ratifying the Common Agreement and Federation of Post-Secondary Educators of BC (FPSE) on behalf of its local unions ratifying this Common Agreement

LINKS TO OTHER RELATED POLICIES, DOCUMENTS AND WEBSITES

[NIC Policy 1-01 Freedom of Information and Protection of Privacy](#)

[NIC Policy 1-05, Records Management](#)

[NIC Policy 1-20 Code of Ethical Conduct](#)

[NIC Policy 2-08 Human Rights](#)

[NIC Policy 2-10 Protection of Employees from Violence in the Workplace](#)

[NIC Policy 2-15 Occupational Health and Safety](#)

[NIC Policy 3-34 Sexualized Violence Prevention and Response](#)