

## RESPECTFUL WORKPLACE PROCEDURE

### Parent Policy

Respectful Workplace Policy # 200-1-11

### Purpose

The purpose of this procedure is to provide clarity to members of the College community regarding the procedure for disclosing and investigating potential breaches of the Respectful Workplace Policy.

### Scope

This procedure applies to all employees, independent contractors, volunteers, and any other individuals associated with Bow Valley College (e.g. vendors, suppliers and campus visitors). When a Respectful Workplace incident is reported by a Complainant, Bow Valley College will identify if the Respondent(s) status with the College alters or takes precedence over this procedure due to a contract, Collective Agreement or statute.

Complainants, who are learners, may utilize this Respectful Workplace Procedure in cases of alleged misconduct by employees, independent contractors or volunteers. There is a separate procedure for cases of alleged Code of Conduct breaches involving learners (Learner Code of Conduct Procedure).

### Compliance

All Bow Valley College employees, Independent Contractors, volunteers, and other individuals who are associated with Bow Valley College are responsible for knowing, understanding, and complying with Bow Valley College procedures to the extent that procedures relate to their position, contract and if applicable Collective Agreement.

### Procedure

This procedure outlines the options available to any member of the College community who believes that he or she has been subject to a breach of the Respectful Workplace Policy.

Bow Valley College encourages the prompt and timely reporting of all breaches of the Respectful Workplace Policy to a supervisor or the Human Resources team, regardless of the offender.

While the College is committed to resolving Respectful Workplace Policy concerns internally, nothing in this procedure precludes a member of the College from filing a complaint under an applicable statute or laying charges.

### Reporting phase

#### 1. Filing a report of an alleged breach of the Respectful Workplace Policy

- 1.1 Complainants should raise concerns as soon as possible after the alleged breach of the Respectful Workplace Policy.
- 1.2 Complainants may report an alleged breach of the Respectful Workplace Policy to any of the following individuals:

- Supervisor
- Human Resources Business Partner
- Vice President of the Complainant's area
- President and CEO of the College

1.3 The report on the alleged breach of the Respectful Workplace Policy may be submitted anonymously but Complainants are to be aware the College may not be able to respond and investigate.

## **2. Receiving a report of an alleged breach of the Respectful Workplace Policy**

2.1 All Complainants are encouraged to complete the Respectful Workplace Complaint form (Appendix A) to provide full details. If, however, the disclosure is initially verbal, the Recipient of the report will record the details of the alleged breach in writing, including:

- the date, time, and place the incident occurred;
- the date and time the report was received
- the name of the Complainant;
- the name(s) of the Respondent;
- the names of any witnesses; and
- a detailed description of the incident.

2.2 The Recipient will then encourage the Complainant to fill out the Respectful Workplace Complaint Report Form (Appendix A) if it has not yet been completed. In the event the Complainant does not wish to complete a written report, the Recipient will determine if the alleged breach of policy is unethical, illegal, immoral, or unsafe, and will inform the Complainant if the College is obliged to move onto the next steps in the process.

## **3. Reviewing a report of an alleged breach of the Respectful Workplace Policy**

3.1 The Recipient will, where possible, immediately refer the complaint of the alleged breach to the Associate Vice President of Human Resources, (Associate Vice President, HR,) or designate.

3.2 Within five (5) Business Days of receipt, the Associate Vice President, HR, or designate, will inform the Complainant that the report has been received and will notify the appropriate supervisors.

3.3 The Associate Vice President, HR, or designate, will review with the Complainant the potential methods for dealing with the matter, including the following:

- a resolution, which enables the Complainant to address the Respondent with support from their supervisor and/or a representative from Human Resources;
- an investigation to be handled either internally or externally; or
- any other methods appropriate to the situation.

3.4 The Associate Vice President, HR, or designate, will also review the following with the Complainant:

- confidentiality protections;

- the record keeping process; and
  - the commitment of the College to protect the Complainant from Reprisal.
- 3.5 Depending on the nature and severity of the allegation and the risk to others, in consultation with Management, Associate Vice President, HR, or designate, will make the determination if an interim action is required (i.e., if the Respondent should be removed from the workplace).
- 3.6 Within ten (10) Business Days of receiving the report, the Associate Vice President, HR, or designate, will decide if:
- the report should be processed as an alleged breach of the Respectful Workplace Policy;
  - the report should be referred to an alternate process;
  - the report should be dismissed for being frivolous or vexatious, or made in bad faith; or if
  - the report should be dismissed for any other valid reason.
- 3.7 Complaints that are found to be trivial, frivolous, or vexatious may result in disciplinary measures.
- 3.8 Within ten (10) Business Days of receiving the report, the Associate Vice President, HR, or designate, will inform the Complainant of the decision and any next steps. The Respondent will also be informed if the Complaint is to proceed.
- 3.9 If the Associate Vice President, HR, or designate, finds it necessary to initiate an investigation, they are to follow the Investigation Guiding Principles and Process outlined in this Procedure.
- 3.10 In instances where the Associate Vice President, HR, or designate, deems it necessary, the College may act as the Complainant. The same process will be followed for such complaints.

#### **4. Protecting involved parties**

- 4.1 The Associate Vice President, HR, or designate, may appoint a representative to manage either the Complainant's or the Respondent's welfare. (In the case of a unionized employee, their union representative will provide support.) In either case, this representative will:
- examine the immediate welfare and protection needs of either party;
  - ensure both the Complainant and Respondent are aware of employee assistance programs and other supports;
  - listen to any concerns of harassment or intimidation, or reprisal due to the reporting of an alleged breach of the Respectful Workplace Policy; and
  - act as liaison and guide for the process.

### **The Investigation Phase**

#### **Investigation Guiding Principles**

- The process of conducting a workplace investigation must be fair. It must be a diligent search for the facts, conducted with an open mind. It must respect the rights of the alleged offenders through appropriate procedural safeguards.
- Investigators are expected to be open-minded, objectively assess the facts, maintain neutrality, and act impartially.

- To the extent possible, Investigators will endeavour to keep the complaint and investigation confidential and will only release information on a need-to-know basis, or as required by law.
- Investigators will utilize introductory, open-ended, close-ended and follow-up questions as the situation demands.
- Investigators will make notes of all discussions, phone calls, and interviews with witnesses.
- The standard of proof is the Balance of Probabilities.

## Investigation Process

In the event an investigation is to be conducted, the following procedure will be followed.

### 5. Investigating a report of an alleged breach of the Respectful Workplace Policy

- 5.1 The Associate Vice President, HR, or designate, will appoint an Investigator to carry out the investigation. The Investigator may be internal or external to the College.
- 5.2 The Investigator will prepare an investigation plan for approval by the Associate Vice President, HR, or designate. The plan will list the issues to be substantiated and describe the avenue of inquiry.

At this point, the Complainant and Respondent will be:

- notified by the Investigator that he or she has been appointed to conduct the investigation;
  - asked to clarify any matters;
  - asked to identify witnesses; and
  - asked to provide any additional relevant details.
- 5.3 In the course of the investigation, the Investigator(s) will:
    - collect information relating to the allegation, which may involve steps to protect or preserve documents, materials and equipment and to interview witnesses;
    - if Complainants or Respondents are represented by a union or faculty association, advise them of their right to have a union or faculty association representative present during any investigation meetings or interviews;
    - if Complainants or Respondents are represented by a student association, advise them of their right to have a student association representative present during any investigation meetings or interviews;
    - regularly update the Associate Vice President, HR, or designate, on the progress of the investigation;
    - consider the information collected and to draw conclusions objectively and impartially; and
    - make recommendations based on the conclusions concerning appropriate action.
  - 5.4 Unless any mitigating circumstances arise, the Investigation will conclude no later than 110 Business Days after the Associate Vice President, HR, or designate, receives a report of an alleged breach of the Respectful Workplace Policy.

## 6. Submitting the Final Report

- 6.1 At the conclusion of the Investigation, the Investigator will submit a written investigation report to the Associate Vice President, HR, or designate, which will at minimum include:
  - details of the allegation;
  - an account of all relevant information received; and
  - the conclusions reached and the basis for them.
- 6.2 If the Investigator finds evidence of a breach of the Respectful Workplace Policy, the report will also include any recommendations for action that should be taken to prevent the conduct from continuing or occurring in the future as well as action that should be taken to remedy any harm or loss arising from the misconduct.
- 6.3 If the investigation has identified any other possible breaches of College policy, the Investigator should also include them in the report. The possible breaches identified in the report will be dealt with by the Associate Vice President, HR, or designate.
- 6.4 The report will be accompanied by all records created or received by the Investigator in the course of the investigation.
- 6.5 When possible, the report will preserve the Complainant's identity if the Complainant has requested anonymity.

## 7. Outcome of the Investigation

- 7.1 The Associate Vice President, HR, or designate, will advise the Complainant and Respondent of the outcome of the investigation.
- 7.2 The Associate Vice President, HR, or designate, will provide the relevant supervisor(s) with the report or a summary of the report's findings and recommendations.
- 7.3 Respondents who are found to have committed a breach of the Respectful Workplace Policy may be subject to disciplinary actions in accordance with the provisions of any applicable collective agreement, practice, or applicable policy.

## 8. Records

Detailed records pertaining to a report of a breach of the Respectful Workplace Policy are the property of the College and will be retained in accordance with College document retention rules and filed in the Associate Vice President, HR's files. Only the investigation outcome letter will be retained in the Complainant's and Respondent's personnel files. Records will also be safeguarded to ensure confidentiality and, where applicable, the Complainant's anonymity.

## Definitions

**Balance of Probabilities:** A legal standard, which requires that a dispute be decided in favour of the party whose claims are more likely to be true.

**Business Days:** Any day other than a Saturday, Sunday or statutory holiday or day on which the College is closed for business.

**Collective Agreement:** A commercial agreement negotiated "collectively" between management (on behalf of Bow Valley College) and specific labour unions or associations (on behalf of employees). The collective agreement regulates the terms and conditions of certain employees in their workplace, their duties and the duties of the employer.

**Complainant:** Any member of the College community who has reason to believe that another College community member has committed an offence and who initiates a procedure under this Policy.

**Employee:** Individual who is engaged to perform a service at Bow Valley College, in accordance with existing terms and conditions of employment, employment contracts or collective agreements, and includes the President and Chief Executive Officer;

**Harassment:** Harassment is discriminatory and includes unwanted behaviours, such as conduct and/or comments that are demeaning, intimidating, threatening, and/or abusive, that risk loss of dignity and create a negative impact for the subject. Harassment can occur as a series of incidents or a serious singular incident.

Harassment can take the forms of:

- Slurs or derogatory remarks,
- Threats,
- Inappropriate jokes, teasing, innuendos, name-calling,
- Actions that invade privacy,
- Insults or name-calling,
- Humiliation,
- Communication that is demeaning, insulting, mocking, and,
- Unreasonable demands.

**Independent Contractor:** Businesses, either sole proprietorships or multi-person companies, which provide goods and/or services to Bow Valley College through a business transaction, are independent contractors. Worker payments, transactions, taxes and benefits are the responsibility of the independent contractor.

**Investigator:** An individual or team of individuals having experience and relevant skills to conduct an investigation on behalf of Bow Valley College. This resource is identified by the Associate Vice President, Human Resources. An investigator is responsible for conducting a formal investigation of the complaint by collecting information from the Complainant, Respondent, Witnesses and other relevant sources; consulting with the Associate Vice President, Human Resources, as appropriate for advice and guidance; and, preparing an investigation report and communicating the findings to the Associate Vice President, Human Resources.

**Learner:** A person who is currently registered as a learner at the College whether or not for credit. For the purposes of this document, "learner" shall be used synonymously for applicants, prospective learners and learners unless specifically noted otherwise.

**Recipient:** The person who initially receives the report of an alleged breach of the Respectful Workplace Policy.

**Respectful Workplace:** A respectful workplace is one in which everyone is able to perform with personal and professional dignity. This includes embracing diversity and actively practicing inclusion with the intention of ensuring everyone is valued for their role and their contribution to the organization, as well as ensuring the health and safety of all.

**Respondent:** The person against whom a complaint of a Respectful Workplace Policy breach has been alleged. It is expected that the respondent will participate and cooperate with the investigative process. The respondent may ask to bring a support person from within the College community to any interviews.

**Reprisal:** Retaliatory measures taken against an individual because the individual has sought advice about making a disclosure; filed a report of a potential breach of this Policy in good faith; cooperated with the investigation of the potential breach; or declined to participate in a situation that formed the basis for the potential breach of this Policy.

**Safety:** The state of being reasonably certain that one will not be emotionally, physically, or mentally hurt by other persons or situations.

**Volunteer:** A person at Bow Valley College who voluntarily offers himself or herself for a service or undertaking willingly and without pay.

**Witnesses:** Any member of the College community identified as a witness during the investigation is expected to participate and cooperate with the investigative process. Witnesses may also be from outside the College community.

**DATA SHEET**

**Accountable Officer**

Associate Vice President, Human Resources

**Responsible Officer**

Senior HR Operations Business Partner

**Approval**

See “Development Framework” for approvers of policy, procedures, and guidelines.

**Contact Area**

This may be the responsible officer or generally the department of the responsible officer.

**Relevant Dates**

<b>Approved</b>	
<b>Effective</b>	
<b>Next Review</b>	
<b>Modification History</b>	

**Related Policy**

- Respectful Workplace Policy

**Associated Policies**

- Code of Conduct (Policy #200-1-1)
- Learner Code of Conduct (Policy #500 1-1)
- Workplace Relationships (Policy #200-1-3)
- Violence in the Workplace (Policy #200-2-5)
- Sexual Violence Policy (New)

**Associated Procedure**

- Code of Conduct

**Related Legislation**

- Alberta Human Rights Legislation
- Canadian Human Rights Legislation
- Conflict of Interest Legislation
- Occupational Health and Safety Legislation
- Public Interest Disclosure (Whistleblower Protection) Legislation

**Appendix A – Respectful Workplace Policy Complaint Form**

Name:	
Date of report:	
Date and time of alleged incident	
Please describe the nature of the activity giving rise to the complaint.	
Please provide a description of all parties involved (indicate names and positions if known, and include anyone who may have witnessed the incident).	
Please describe possible breaches of law or College Policy.	
Please provide any other information that may be useful in evaluating the report.	
Signature of Complainant:	
<b>For administrative use only:</b>	
Report received by (please print name and position):	
Date report received by Supervisor, VP of respective area, HR Business Partner, or President and CEO:	
Date report received by the Associate Vice President, Human Resources:	