

## POLICY AND PROCEDURES

<b>POLICY NAME:</b> <b>Prevention of Bullying and Harassment</b>	<b>POLICY NUMBER:</b> 3.1.4	<b>CATEGORY:</b> Administration
<b>RESPONSIBLE EXECUTIVE:</b> President	<b>APPROVAL AUTHORITY:</b> Board of Governors	<b>EFFECTIVE DATE:</b> October 28, 2024
<b>NEXT FULL REVIEW DATE:</b> October 27, 2029	<b>REVISED:</b>	<b>REPLACES:</b>

### PURPOSE

This policy promotes the commitment of Coquitlam College (the College) to provide safe, caring and orderly working and learning environments that are free from Bullying and Harassment and that protect the physical safety, social connectedness, and inclusiveness of Students and Employees.

### SCOPE

This policy applies to all Students and Employees of the College.

### POLICY STATEMENTS

1. This College adheres to all applicable provincial and federal requirements, statutes and legislation regarding Bullying and Harassment.
2. The College is committed to providing an environment where all Students and Employees feel safe, accepted and respected regardless of their gender, race, culture, religion, sexual orientation or gender identity.
3. The College is committed to addressing all forms of Bullying and Harassment, including but not limited to cyberbullying, intimidation, and threatening or violent behaviours, conducted while on College premises, at school-related activities or in other circumstances where engaging in the activity will have an impact on the school environment.
4. The College will apply appropriate measures to address Bullying and Harassment and when making decisions, will consider the age, maturity, and disabilities or diverse abilities of individuals involved in allegations.
5. The College promotes a work environment that encourages employees who experience or witness bullying or harassment to report the inappropriate behaviour without fear of reprisal or retaliation.
6. The College will address Bullying and Harassment by:
  - a. establishing, maintaining and regularly reviewing a Bullying and Harassment prevention program;
  - b. implementing and actively promoting awareness, education and training programs regarding a safe school environment and how to recognize and deal with unsafe or harmful situations;

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- c. promoting conditions that seek to eliminate the potential for incidents to occur;
  - d. reducing barriers to filing Complaints; and
  - e. responding to Complaints in a procedurally fair and efficient manner.
7. The College encourages prompt reporting of alleged violations of this policy.
8. The College reserves the right to initiate an investigation into alleged Bullying or Harassment on its own initiative without filing a Complaint.
9. The College reserves the right to implement Interim Measures as it considers appropriate, pending the review of a Complaint and/or completion of an investigation into an alleged incident of Bullying or Harassment.
10. Confidentiality is required to protect and support individuals who may have experienced Bullying and Harassment, and the reputations and interests of Respondents. All College members are expected to respect the privacy of matters arising out of an investigation and to treat matters confidentially.
11. Any College member who knowingly makes a false, frivolous or vexatious report under this policy, or who retaliates against someone who has made a Complaint, may be subject to appropriate disciplinary action.
12. A breach of this policy represents serious misconduct and may be cause for disciplinary action including, where appropriate, suspension, dismissal or expulsion.
13. In accordance with WorkSafe BC, this policy will be reviewed annually.

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14. The College will establish and maintain a program to prevent Bullying and Harassment, that will include but not be limited to the following elements:
  - a. assessing and managing risk;
  - b. providing appropriate education and training to Students and Employees regarding Bullying and Harassment and this policy;
  - c. establishing procedures for reporting, investigating and documenting incidents of Bullying and Harassment in a prompt and sensitive manner, and in accordance with WorkSafeBC regulations and policies where applicable; and
  - d. ensuring that appropriate corrective actions are taken in response to incidents of Bullying and Harassment.

### **Responsibilities**

15. Senior Administrators are responsible for:
  - a. Developing and implementing a respectful workplace program.
  - b. Leading the development and implementation of communication, awareness, engagement and training in support of this policy.

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- c. Providing oversight of investigation processes, ensuring that reports of bullying and harassment are investigated without undue delay and in accordance with applicable policies.
16. Supervisors/Managers are responsible for:
- a. Fostering a respectful workplace culture, free from bullying and harassment.
  - b. Addressing workplace conflict arising from disrespectful behaviour effectively and in a timely manner.
  - c. Ensuring measures are in place to restore, support and maintain respect in the workplace following an incident of bullying or harassment.
  - d. Maintaining records of all matters arising out of the application of this policy.
17. Employees are responsible for:
- a. Contributing to a positive work environment and treating all co-workers with respect and dignity.
  - b. Refraining from inappropriate and disrespectful behaviours.
  - c. Addressing disrespectful behaviour informally when it is safe and possible to do so.
  - d. Reporting any incident of bullying or harassment that is witnessed or experienced to their supervisor/manager.

### **Informal Resolution**

- 18. A Student or Employee who believes they have been subject to Bullying and Harassment is encouraged to attempt to resolve the matter informally with the person who engaged in the conduct. A written record of the steps taken to resolve an issue should be maintained.
- 19. A supervisor, instructor or other College employee may be asked to assist in attempting to resolve the matter informally.
- 20. If the matter cannot be resolved informally, or if the Student or Employee is uncomfortable with or does not wish to pursue informal resolution, a Complaint may be filed with the Human Resources Manager (for employees) and the Chief Academic Officer (for students).

### **Filing a Complaint**

- 21. Complaints should be filed as soon as possible after an incident has occurred or after an unsuccessful attempt at informal resolution.
- 22. Complaints should be submitted in writing to the Human Resources Manager/Chief Academic Officer using the Reporting Form. The Form must include all relevant details regarding the alleged Bullying or Harassment, and include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any social media communications, should also be included with the Complaint.
- 23. Upon receipt of a Complaint, the Human Resources Manager/Chief Academic Officer will within two (2) business days respond to the Complainant to acknowledge receipt of the Complaint and will conduct an initial review to determine whether any immediate interim measures are warranted. If interim measures are warranted, the Respondent will be notified of the allegations

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made against them and any interim measures that are being placed, pending full review of the Complaint. Interim measures may include, but are not limited to:

- a. directing the Complainant, Respondent, witnesses or other parties to cease and desist from engaging in a particular type of behaviour;
  - b. restricting access to a College campus or specific areas of a College campus, online learning platform or work environment;
  - c. alteration of the learning or work schedule of an individual;
  - d. imposing a no-contact directive; and/or
  - e. temporary, non-disciplinary leave of an individual.
24. After acknowledging receipt of the Complaint and, where warranted, putting interim measures in place, the Human Resources Manager/Chief Academic Officer will within an additional ten (10) business days review the Complaint in full to determine whether the allegations fall within the scope of this policy.
25. If the Complaint falls within the scope of this policy, the Human Resources Manager/Chief Academic Officer will:
- a. refer the matter to an alternative resolution process; or
  - b. appoint an Investigator to investigate the Complaint; and
  - c. advise the Complainant in writing of this decision and provide an explanation.
26. If a Complaint does not fall within the scope of this policy the Human Resources Manager/Chief Academic Officer will:
- a. refer the matter to another College policy for action, if appropriate;
  - b. remove any interim measures that have been put in place, if necessary; and
  - c. advise the Complainant in writing that the Complaint will not proceed and provide an explanation.
27. 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 to comply with its obligations under law or this policy.
28. If the Human Resources Manager is a Respondent, the Complaint should be filed with the Chief Academic Officer.

### **Alternative Resolution**

29. Alternative resolution may be appropriate where the Complainant, Respondent and Human Resources Manager/Chief Academic Officer agree to resolve the matter through a process other than an investigation. Alternative resolutions include, but are not limited to:
- a. education and awareness of Bullying and Harassment, and their impact on individuals and/or groups,

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- b. working with a counsellor to mitigate any harm caused by an alleged incident,
  - c. training on the application of this and other College policies regarding Student and Employee conduct.
30. If the Human Resources Manager/Chief Academic Officer believes that an alternative resolution process may be appropriate, this option will be discussed with the Complainant. If the Complainant agrees, Human Resources Manager/Chief Academic Officer will contact the Respondent to advise them that a Complaint has been made against them and that an alternative resolution is being requested. If the Respondent also agrees to participate in an alternative resolution process, the Human Resources Manager/Chief Academic Officer will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.
31. Participation in an alternative resolution process is voluntary. Should either the Complainant or Respondent disagree with the alternative resolution process, the matter will proceed to Investigation.

### **Investigation**

32. If informal resolution and/or an alternative resolution process are not pursued or do not resolve the matter, the Human Resources Manager/Chief Academic Officer will appoint an internal or external Investigator to investigate the Complaint.
33. Participants in the investigation process have the option to have a support person present for interviews.
34. In all investigations, the Respondent will be informed of the allegations made against them and will be given an opportunity to respond.
35. The investigation will be conducted in a procedurally fair manner, using a process determined by the Investigator. The investigation process may include, but is not limited to, the following:
- a. requesting a written response to the Complaint from the Respondent, including a list of any potential witnesses along with a description of the information those witnesses are expected to provide, and any relevant documents, including any social media communications
  - b. meeting with or requesting further information from the Complainant, Respondent and/or from any other individuals who may have information relevant to the investigation, including any witnesses identified by the Complainant or the Respondent
  - c. obtaining any other evidence that may be relevant to the investigation
36. The Investigator will submit a written report to the Human Resources Manager/Chief Academic Officer which will include the following information:
- a. a summary of the evidence considered;
  - b. any assessment of credibility that is required to render a determination; and

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- c. the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, this policy has been violated.
37. If the Investigator's report determines that Bullying and Harassment has occurred, or that this policy has otherwise been violated the Human Resources Manager/Chief Academic Officer will determine the appropriate corrective measure or disciplinary sanctions including, where appropriate, dismissal or suspension. The Complainant and the Respondent will be notified of decision.
38. If the Investigator's Report determines that this policy has not been violated, the Human Resources Manager/Chief Academic Officer will dismiss the Complaint and will notify the Complainant and the Respondent.
39. Investigations, including the preparation of the Investigator's report, will be completed within sixty (60) calendar days of the Investigator's receipt of the Complaint. If, during the course of the investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the President as soon as possible to inform them of the revised timeline.

### **Appeal**

34. The Complainant or the Respondent may appeal the decision of the Human Resources Manager/Chief Academic Officer to the President only on the grounds of:
- a. the decision lacked procedural fairness; or
  - b. there is relevant new information that was not available at the time of the decision was made that may have influenced the outcome.
35. The Appeal must be submitted to the President in writing within ten (10) business days of the decision being received and must state the specific grounds for the appeal.
36. The President will consider issues of procedural fairness or any relevant new information and will not reconsider the original Complaint. However, the President has the discretion to consider new evidence that could not reasonably have been available at the time of the investigation.
37. The Appeal may be upheld or dismissed, in whole or in part, with a written decision and rationale provided to the Complainant and Respondent. The decision of the President is final.

### **Supporting the Workplace**

38. Following a situation of bullying or harassment, supervisors will put measures in place to restore, support and maintain respect in the workplace. Early engagement in the workplace is important and requires cooperation by all employees.

### **Confidentiality**

39. The College will not disclose any personal information related to an investigation except to the extent such disclosure is:
- c. expressly authorized by the affected individual;

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- d. to a Complainant, Respondent, witness, or other participant in the investigation, if necessary for the conduct of the investigation; or
- e. authorized or required under law.

### Documentation

40. All participants in a Bullying and Harassment complaint/investigation process are expected to maintain written accounts of the incident, resolution attempts, and outcomes. The College will keep a written record of investigations, including findings.

### DEFINITIONS

**Bullying and Harassment:** Any inappropriate conduct or comment that a person knew or reasonably ought to have known would be humiliating or intimidating. The conduct may be written, verbal, physical, online, or electronic, a gesture or display, or any combination of these.

Examples of Bullying and Harassment include but are not limited to:

- Threatening behaviours, including words, gestures, actions or practical jokes, whether verbal, written or physical, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- Spreading malicious rumours or untruths;
- Physical acts, such as threats or actual physical assault, intended to harm another individual;
- Vandalizing personal belongings;
- Persistent rudeness or taunting; and/or
- Other conduct that adversely affects working conditions or work performance.
- Cyberbullying that occurs online or through digital communication (e.g. social media, emails, messaging apps) and often involves threats, impersonation, or the sharing of embarrassing information.
- Intimidation intended to instill fear in another person. This may involve threatening gestures, aggressive behavior, or creating a hostile environment that discourages individuals from feeling safe or participating fully in activities.

**Complainant:** A person who files a Complaint. In some instances, the College may act as a Complainant where it becomes aware of allegations of Bullying and Harassment that, if true, would violate this policy but no person comes forward with a Complaint, or where an investigation is required by law.

**Complaint:** A written submission alleging Bullying and Harassment.

**Employee:** An individual who is employed by the College on a full-time, part-time, permanent, temporary or contract basis.

**Respondent:** A person or persons alleged to have engaged in conduct that violates this policy.

**Student:** A person who is enrolled as a student at the College in credit or non-credit courses

### Related Resources

- [3.1.3 Procedural Fairness and Appeals](#)
- [Appendix A: Report Form](#)
- [Freedom of Information and Protection of Privacy Act, RSBC 1996, c. 165](#)
- [Human Rights Code, RSBC 1996, c 210](#)
- [Workers Compensation Act, RSBC 2019, c 1](#)
- [Occupational Health and Safety Regulation, BC Reg 296/97](#)
- [Safe, Caring and Orderly School Guide, 2008](#)
- [Safe and Caring School Communities – Independent Schools, 2019](#)
- [Bullying and Harassment Prevention Order](#)
- [ERASE Resources](#)