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DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION PROCEDURES

Responsible Department	Human Resources
Responsible Executive	Associate Vice President, Human Resources
Related policy	Discrimination, Bullying and Harassment Prevention Policy (18)

1. Definitions

In these procedures, the definitions in the Discrimination, Bullying and Harassment Prevention Policy and the following apply:

- a. **Advisor** is the Human Rights and Conflict Resolution Advisor.
- b. **Complainant** is a person who believes that he/she has experienced inappropriate conduct as described in the policy and who seeks remediation under the policy. The university may be a complainant.
- c. **Complaint** is a statement of facts including a record of the dates, times, nature of any incidents and names of witnesses.
- d. **Human Resources Designate** is the AVP Human Resources, the Director of Human Resources or designate.
- e. **Policy** refers to the Discrimination, Bullying and Harassment Prevention Policy.
- f. **Prima Facie Case** means any complaint where the allegations made, if they were believed to be true, would justify a finding of discrimination, bullying or harassment.
- g. **Respondent** is a person against whom an allegation has been made under the policy.
- h. **Response** is the written statement of the respondent in reply to a complaint.
- i. **Manager** is:
 - i. The respondent's direct line exempt supervisor when the respondent is an employee; or
 - ii. The Dean, VP Students or Director of Students when the respondent is a student.

2. General

- a. All complaints, submissions, responses and decisions made under the terms of these procedures should be made in writing where possible.
- b. The decision of a complainant or a respondent not to participate in a proceeding under these procedures is not a bar to the continuation of the proceeding. A complainant or a respondent who chooses not to participate in an investigation under these procedures may still be subject to discipline or other corrective measures based on the evidence available during the investigation.
- c. The university may invoke an investigation in accordance with these procedures where it reasonably believes that discrimination, bullying or harassment may have occurred, even though no person has complained about a violation of the policy.
- d. Allegations of retaliation may be investigated using these procedures.
- e. Complaints that are outside the jurisdiction of the policy or beyond the six (6) month reporting deadline may be dismissed by the advisor.
- f. Complaints of discrimination, bullying or harassment will be given high priority and every reasonable effort will be made to address them in a timely manner. Time lines in these procedures are intended to serve as guidelines and will be followed to the extent possible.

- g. Notwithstanding the above paragraph, parties are expected to participate in the formal investigative process outlined in section 8 in a timely manner. In cases where the complainant and/or respondent fail to participate within a reasonable time period without appropriate justification, the investigation may proceed without their participation and an adverse inference may be drawn as a result of their failure to participate.
- h. Where an exceptional circumstance arises, the AVP Human Resources may authorize modifications to the procedures, as long as the modification does not compromise due process.
- i. The complainant, the respondent and any witnesses are entitled to be accompanied by a support person during all stages of these procedures as long as that person is not involved in the investigation in any way and as long as the support person understands that they will not act as an advocate or participant during any meetings or interviews.
- j. If the report of discrimination, bullying or harassment involves students only, the inappropriate conduct will be addressed by the Discrimination, Bullying and Harassment Policy or the Student Non - Academic Conduct Policy.
- k. The advisor and managers are required to keep a written record of all steps taken.

3. Responsibilities

a. Shared Responsibility

- i. All members of the university community share a responsibility to create and maintain an environment free of discrimination, bullying and harassment and to act respectfully towards one another.
- ii. All members of the university community are responsible to take reasonable steps to resolve the issue and to report the issue where necessary and participate in any investigation of the complaint as required.
- iii. All members of the community must participate in and promote education and training programs such as the Respect in the Workplace program.

b. Management Responsibility

Management employees set the tone in the workplace and are role models for other employees. All managers must:

- i. Model inclusive and professional behaviour and not participate in discriminatory, bullying or harassing behaviour.
- ii. Follow the policy and ensure that all members of the university community follow the policy.
- iii. Ensure that all members of the university community are aware of and understand the policy and regularly review it with them.
- iv. Take action when they receive complaints of, or personally observe, discrimination, bullying or harassment.
- v. Report incidents of discrimination, bullying or harassment to the advisor.
- vi. Provide information to students or employees on support programs available to them, such as the Employee and Family Assistance Program.
- vii. Keep detailed confidential records of any incident of discrimination, bullying and/or harassment.

4. Consultations

- a. All members of the university community have the right to a confidential consultation with the advisor for information, advice, support and referrals in relation to matters of discrimination, bullying or harassment.
- b. Consultations are in confidence. However, where information presented would lead a reasonable person to believe that there is a risk to the health, safety or welfare of any person, the advisor may be required to take appropriate action in accordance with these procedures.

5. Addressing Discrimination, Bullying and Harassment

- a. If an individual believes he/she has been subjected to inappropriate behaviour as defined in the policy, he or she is encouraged to make the disapproval and/or discomfort known to the person responsible for the behaviour and ask the person to stop.
- b. Alternatively individuals may seek support in resolving the situation by reporting the situation to the advisor or their manager. Reports must be made as soon as possible and no later than six (6) months after the last alleged incident.
- c. If an individual's manager is the person engaging in alleged discrimination, bullying or harassing behaviour, the employee may report the behaviour to the next manager in line.

6. Manager's Role in Addressing Discrimination, Bullying and Harassment

- a. Managers who receive reports or observe incidents of discrimination, harassment or bullying, must notify the advisor as soon as practical and work with the advisor to address the inappropriate conduct.
- b. Managers who directly observe inappropriate conduct should calmly and professionally intervene to address the behaviour.
- c. If there is immediate risk or danger, the manager will immediately notify, as appropriate, UFV Security Services, police or RCMP, and anyone who may be at risk.

7. Advisor's Role in Addressing Discrimination, Bullying and Harassment

- a. The advisor will support the supervisor in addressing inappropriate conduct and determining the appropriate next steps.
- b. If there is immediate risk or danger, the advisor will immediately notify, as appropriate, UFV Security Services, police or RCMP, and anyone who may be at risk.
- c. Where required the advisor may recommend interim measures during the resolution process. Interim measures may change based on the circumstances or the nature of each incident and do not reflect the merits of the complaint. Interim options recommended by the advisor may include, but are not limited to, the following:
 - i. Cautioning the respondent about the types of behaviour that will not be tolerated;
 - ii. Interim conditions or restrictions upon work related activities, including restricting of contact and/or communication between involved people; which may include:
 1. Arranging for academic work to be supervised and evaluated by a disinterested third party;
 2. Having work performance supervised and assessed by an alternative supervisor;
 3. Temporarily reassigning one of the parties until the complaint is resolved; or,
 4. Suspending the respondent with pay while waiting for a final determination.

8. Resolution Options

Reports of discrimination, bullying or harassment will be resolved using informal and/or formal processes:

a. Informal Process of Resolution

- i. An informal process of resolution refers to options other than a formal investigation process as outlined in 8(b). This approach focuses on resolving the issue as opposed to finding fault and does not include disciplinary action. An informal resolution shall not impose obligations on the university without the university's consent.
- ii. Options for resolution under the informal process may include: consultation, education, facilitated discussion, or mediation.
- iii. If a resolution is achieved, the party or parties will sign a statement of the terms of the resolution and the file will be closed. The file will be maintained in the advisor's office as a confidential file and no reference to its existence will be contained in either the

- complainant's or respondent's official student file or personnel file.
- iv. When the issue is dealt with by the advisor, the manager will be advised as to whether or not there was successful resolution of the issue was achieved.
- v. The advisor may refer any *prima facie* case of discrimination, bullying or harassment to the formal investigation process at any time where informal resolution is not appropriate to the specific case or the complainant requests a formal investigation. The advisor will request the complainant to complete and file the HRCRO [Harassment, Bullying and Discrimination Complaint form](#) with the advisor's office within ten (10) working days.

b. Formal Investigation Process

- i. The advisor will have ten (10) working days from the date the matter is referred to formal resolution or the date the complaint is filed with the advisor's office, whichever occurs later, to decide if a formal investigation is warranted. Referral to formal investigation would not be warranted where:
 - 1. The complaint is not within the jurisdiction of the Policy;
 - 2. The complaint is frivolous, malicious, vexatious or made in bad faith; or,
 - 3. The complaint is being or has been properly addressed by some other legal processes or UFV policy.
- ii. Where appropriate, the advisor may discuss the allegations with the complainant and the respondent before making the decision whether the complaint warrants formal investigation. The advisor will inform the parties, the manager and the AVP, Human Resources, of his or her decision in writing and file a copy in the advisor's office.
- iii. When the advisor finds that a formal investigation is warranted the respondent will be presented with a copy of the complaint. The respondent will have ten (10) working days to complete and file a response with the advisor's office.
- iv. The AVP, Human Resources, will appoint an internal university investigator or an external investigator depending on the circumstances, to conduct the investigation.
- v. In appropriate circumstances, the AVP Human Resources may seek the legal advice of in-house legal counsel or external legal counsel.
- vi. Formal investigation of the complaints will be investigated diligently and promptly, and as thoroughly as necessary. The investigation will be fair and impartial. The AVP Human Resources will provide the investigator with Terms of Reference for the investigation.
- vii. The investigation will be focused on finding facts and evidence, including interviews of the complainant, the respondent and any witnesses. If the complainant and the respondent agree on what happened, the investigator need not interview any witnesses. The investigator will also review any evidence, such as electronic data, documents, emails, texts, posts, handwritten notes, photographs, or physical evidence.
- viii. The investigator will document the investigation and produce a written report of his or her findings to the AVP Human Resources within ninety (90) calendar days. The written report will contain a determination as to whether or not, on a balance of probabilities, a breach of the policy has occurred.
- ix. Subject to the limits imposed by privacy legislation, the AVP Human Resources will provide a summary of the findings to both the complainant and respondent.
- x. Where a violation of the Policy has been found to have occurred, including a finding that the complaint was frivolous, malicious, vexatious or made in bad faith; the AVP Human Resources will provide a copy of the report to the appropriate vice president. The vice president, in consultation with the manager, and a human resources designate, will decide whether to impose or recommend remedial action or formal disciplinary action up to and including dismissal of the respondent.
- xi. Where there is no violation of the policy, the manager will be advised of the outcome. No record of the complaint or investigation will be placed in the respondent's student or personnel file.

- xii. The AVP Human Resources may decide to postpone, suspend or cancel any investigation if its continuance would duplicate or prejudice another proceeding or bring the administration of the policy and these procedures into disrepute. In coming to a decision, the AVP Human Resources will consider the university's responsibility to provide an environment free from discrimination, bullying and harassment, other legal procedures that may be initiated to protect statutory rights, and the wishes of the parties.

9. Follow Up

- a. Following the investigation, the advisor will review and, where appropriate, recommend revision of workplace procedures to the appropriate vice president to prevent any future discrimination, bullying and harassment.
- b. In appropriate circumstances, employees may be referred to the Employee and Family Assistance Program or be encouraged to seek medical treatment.

10. Complaints against the President or University Secretary

In the event a report or complaint names the President or University Secretary as the respondent, the matter will be referred to the Board of Directors and these procedures will apply with the necessary modifications.

11. Training

The university will provide training to all employees in the prevention and remediation of discrimination, bullying and harassment and to all internal investigators in the investigation and management of reports or complaints.

12. Record-Keeping Requirements

- a. The university expects individuals will keep written accounts of incidents to submit with any complaints.
- b. The university will keep a written record of the investigation, including the findings.

13. Annual Review

These procedures will be reviewed annually.

Click [here](#) to view the Harassment Prevention Policy (#18)