



EMPLOYEE DISCRIMINATION, BULLYING & HARASSMENT POLICY

Policy Area:	Board		
Policy Number:	DBHPL_2209R_BG/PRE		
Policy Sponsor:	President		
Policy Contact:	Associate Vice President, People Services		
Stakeholders:	Okanagan College Employees and the Board of Governors		
Authority:	<i>College and Institute Act BC Human Rights Code Sexual Violence and Misconduct Policy Act Workers Compensation Act</i>		
Authority Approval:	Board of Governors Governance Committee		
Approval Date:	September 20, 2022		
Effective Date:	September 30, 2022		
Replaces:	Discrimination, Bullying & Harassment Policy (E.2.1)		
Last reviewed:	September 2023	Scheduled review date:	September 2027

Procedures: *Procedures for Reporting & Investigating Employee Complaints of Discrimination, Bullying and Harassment*

1. Policy Statement & Purpose

- 1.1 Okanagan College (the "College") is committed to supporting and promoting a working and learning environment that is free of discrimination, bullying and harassment (including in the online or virtual environment), and supports a collegial environment that is characterized by mutual respect, safety, civility, and free inquiry. Discrimination, Bullying and Harassment will not be tolerated.
- 1.2 This Policy outlines and defines the prohibited conduct of Discrimination, Bullying or Harassment.
- 1.3 All Employees have a responsibility for ensuring the College's working and learning environment is free from Bullying, Discrimination, and Harassment.
- 1.4 Discrimination, Bullying, and Harassment within the scope of this Policy are strictly prohibited.

2. Scope and Application

- 2.1 This Policy applies to Employees of the College while engaging in College-Related Activities.
- 2.2 The processes for Complaint reporting, investigation and resolution are detailed in the *Procedure for Reporting & Investigating Employee Complaints of Discrimination, Bullying and Harassment*, this Policy and the associated Procedure will be followed when the Complaint:

- a) is made under this Policy and the Respondent is an Employee or Student Employee.
 - b) is made under the *Sexual Violence and Misconduct Policy* and involves employees or an Employee Respondent and a Student Complainant.
 - c) is made by a Student under the Student Complaint Procedure and the Respondent is an Employee, and a determination is made that the Complaint requires investigation under this Policy.
- 2.3 A Complaint should be made as soon as possible but must be made no later than 12 months after the last incident alleged in the Complaint. This time limit does not apply to complaints under the *Sexual Violence and Misconduct Policy*.

3. Definitions

Bullying	Means any inappropriate action, conduct, or comment by a person towards another person that the person responsible for the action or comment knew or reasonably ought to have known would cause the other person to be humiliated or intimidated but excludes any reasonable action taken by the College, or by its employees in supervisory positions, relating to the management and direction of Employees or the workplace.
College-Related Activity	Includes an activity occurring on College property (including student residences), at College-sanctioned events or conducted under the authority of the College. To be a College-Related Activity, the activity must have a real and substantial connection to the College or College-related functions, whether the activity occurred on College property, in person, or online.
Complainant	Means the person who seeks recourse under this Policy based on a belief that they have witnessed or experienced conduct which is prohibited by this Policy. The College may act as a Complainant in appropriate circumstances.
Complaint	Means the statement of alleged facts made by a Complainant seeking recourse under this Policy, or recourse under the Sexual Violence and Misconduct Policy. A Complaint may be made anonymously, and employees may file a Complaint anonymously under the Safe Disclosure Policy. See the limitations regarding an anonymous Complaint in the Procedure for Reporting & Investigating Employee Complaints of Discrimination, Bullying and Harassment.
Associate Vice President	Means the Associate Vice President, People Services or their Designate.
Discrimination	Means discrimination based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, age, gender identity or expression, or criminal conviction unrelated to the person's employment or program of study, or any other prohibited grounds identified under the BC Human Rights Code.
Employee	Means any person employed by (or who has an appointment with) the College and includes members of the Board of Governors for the purposes of this Policy.

Harassment	Includes bullying, and means any inappropriate action, conduct, or comment by a person towards another person that the person responsible for the action or comment knew, or reasonably ought to have known would cause the other person to be humiliated or intimidates but excludes any reasonable action taken by the College, or its employees in supervisory positions, relating to the management and direction of Employees or the workplace.
Respondent	Means any employee against whom an allegation has been made under this Policy.
Sexual Harassment	Means unwelcome conduct of a sexual nature, including conduct of verbal, physical or non-verbal nature, based on sex, sexual orientation, gender identity, or gender expression, where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that such conduct is unwelcome and the conduct has a detrimental effect on the learning or working environment.
Student	Means any person enrolled as a student at the College.

4. Retaliation

Retaliation against anyone who, in accordance with this Policy, reports an alleged occurrence of Discrimination, Bullying, or Harassment, or who participates in an investigation into Discrimination, Bullying, or Harassment, is strictly prohibited.

5. Training

The College will ensure that all Employees receive appropriate training on this Policy and associated Procedure including recognizing, responding to, and reporting Discrimination, Bullying, and Harassment.

6. Privacy and Confidentiality

- 6.1 Personal information, whether oral or written, which is collected, received, or compiled from a Complaint and through the course of an investigation and resolution process will be treated as confidential by the College in accordance with privacy legislation.
- 6.2 All individuals involved in the Complaint resolution and investigation process must keep confidential all information received about the Complaint, except as expressly set out in this Policy, or as required by law.
- 6.3 The College and Employees shall make reasonable efforts to ensure the accuracy of the personal information that they collect and use under this procedure.
- 6.4 Where reasonably necessary, the Associate Vice President or investigator may disclose such information to the appropriate individuals to:
 - a) Protect health and safety;
 - b) Ensure a full and fair investigation into the Complaint;
 - c) Implement corrective measures;
 - d) Obtain legal advice; or

- e) Inform law enforcement of reasonably suspected criminal activity or serious risk of bodily harm to an individual in keeping with privacy legislation.

7. Support Measures

- 7.1 Employees have access to counseling through the College's Employee and Family Assistance Program. Please refer to: <https://www.okanagan.bc.ca/human-resources/pension-benefits-and-leave#additional>. Student Employees have access to counseling through student Counselling Services <https://www.okanagan.bc.ca/counselling-services>
- 7.2 A person who has experienced inappropriate conduct under the Employee Discrimination, Bullying & Harassment Policy or the *Sexual Violence and Misconduct Policy* should refer to the College webpage for additional support resources:
 - a) For emergency or incident reporting: <https://www.okanagan.bc.ca/security>
 - b) For Sexual Violence and Misconduct:
<https://www.okanagan.bc.ca/sexual-violence-awareness>

8. Related Acts and Regulations

BC Human Rights Code
College and Institute Act
Freedom of Information and Protection of Privacy Act
Sexual Violence and Misconduct Policy Act
Workers Compensation Act

9. Supporting References, Policies, Procedures and Forms

10. History / Revisions

Date	Action
2022-09-20	<i>Approved by Board Governance Committee:</i> Revised Employee Discrimination, Bullying and Harassment Policy
2021-11-30	Approved by Board of Governors: Revised Discrimination, Bullying and Harassment Policy (E.2.1)
2016-06-29	Approved by Board of Governors: Revised Discrimination, Bullying and Harassment Policy (E.2.1)
2014-11-29	Approved by Board of Governors: Revised Discrimination, Bullying and Harassment Policy (E.2.1)
2013-11-26	Approved by Board of Governors: Revised Discrimination, Bullying and Harassment Policy (E.2.1)
2005-06-28	Approved by Board of Governors: Revised OC Harassment & Discrimination Policy, Non-Bargaining Unit Employees and Students
2005-01-27	OUC Harassment & Discrimination Policy