

 <p>CityUniversity of Seattle</p> <hr/> <p>IN CANADA</p> <p>Policy Manual</p>	
	<p>Policy Title: Respectful Workplace Policy, Canada Addressing the prevention of discrimination, harassment and bullying</p>
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POLICY:

City University of Seattle, Canada is committed to ensuring that the education environment is bounded by standards of mutual respect and safety and is free from discriminatory practices. The fundamental purpose of this Policy is to prevent discrimination, harassment and bullying from occurring and to provide procedures for resolving complaints arising from this Policy. Anyone who is found to have violated this Policy will be subject to a range of corrective or disciplinary measures, up to and including termination of employment or contract, removal from a position or expulsion from the University.

In compliance with the British Columbia Human Rights Code, the Alberta Human Rights Act, WorksafeBC, and the Workers’ Compensation Board of Alberta, the University believes that its environment should at all times be supportive and respectful of the dignity and self-esteem of individuals. Discrimination, harassment and bullying conduct, whether through person to person behaviour or via electronic communications such as email or social media is not acceptable and will not be tolerated. As an educational institution, it is our responsibility to cultivate an environment of excellence, equity, mutual respect and to recognize the value and potential of every individual. The University will take all necessary steps to meet or exceed the requirements of the law to prevent discrimination, harassment and bullying.

This Policy is intended to:

1. Define the scope and jurisdiction of the policy;
2. Define discrimination, harassment, sexual harassment and bullying;
3. Outline responsibilities of CityU staff, faculty, students, associate faculty, visitors;
4. Outline possible Resolution options;
5. Outline the Reporting structure for Complaints under this Policy;
6. Outline the Complaint procedure;
7. Address retaliation toward persons who are participating in the reporting or investigation of complaints;
8. Address False Claims;
9. Outline the requirement for Confidentiality;
10. Outline Disciplinary options;
11. Outline the appeals process;
12. Describe available education; and
13. Describe other available resources.

The University acknowledges that Academic Freedom ensures the right of all members of the University to engage in frank discussion of potentially controversial matters and to make statements, assign readings

or use instructional techniques that challenge and may even offend the sensibilities, ideas and beliefs of others. In exercising their Academic Freedom, all members of the University shall respect the human rights of others and not engage in actions that would deny equality to, or harass individuals or groups on grounds protected by Canadian human rights legislation (see Table I).

For cases relating to sexual misconduct or sexual violence, please refer to the City University Sexual Violence and Misconduct Policy for further information.

1. SCOPE AND JURISDICTION:

4.1 Scope

This policy applies to all members of the University's community including staff, faculty, students, interns, volunteers, University-affiliated board members and visitors and other persons who conduct business with the University.

4.1 Jurisdiction

The Policy applies not only to the workplace during normal business hours, but also to all work-related social functions, whether on or off the University's premises, and to business-related travel. This includes, but is not limited to:

- restaurants, hotels or meeting facilities that are being used for University purposes;
- in University-owned or leased facilities;
- during telephone, e-mail or other communications;
- at any social event, whether or not it is University sponsored; and
- while using the Internet, including instant messaging, blogging and social networking sites.

It is important to note that this Policy applies to off-campus activities that represent a clear and distinct interest of the University, including but not limited to:

- off campus employment sponsored by the University;
- University sponsored events (e.g. field trips, social functions, university-related travel, internships, service learning);
- student organization events; and
- travel or study abroad programs.

5 DEFINITIONS

All members of the University are protected from the following:

- 4.1 **Discrimination** is any intentional or unintentional behaviour or omission that results in an individual or group being treated differently based on their personal characteristics, and for which there is no legitimate reason. All individuals are protected from discrimination on these prohibited grounds (real or perceived) through Canadian human rights legislation.

The human rights legislation of British Columbia and Alberta sets out these personal characteristics summarized in Table I:

Table I, *Prohibited Grounds under Canadian Human Rights Legislation.*

British Columbia Human Rights Code			
Race	Colour	Ancestry	Place of Origin
Political Belief	Religion	Marital Status	Family Status
Physical or Mental Disability	Sex	Sexual Orientation	Age
Conviction for an unrelated offence	Gender Identity or Expression		
Alberta Human Rights Act			
Age	Race	Colour	Religious Beliefs
Ancestry	Gender	Sexual Orientation	Physical or Mental Disability
Place of Origin	Family Status	Marital Status	Source of Income

4.1 **Discriminatory Harassment** can take many forms. It is generally defined as vexatious conduct or comment which ought reasonably to be known to be objectionable or unwelcome, has an adverse effect on the person or group of people and is based on one of the prohibited grounds in (2.1) above. Discriminatory harassment serves no legitimate purpose and also has one or more of the following attributes:

- it detrimentally affects a student or employee within their learning or work environment;
- it has adverse related consequences related to their career or education; and/or
- it has a negative psychological impact on the individual.

Harassment can be made out by one example of serious or egregious behavior. It may also be established by a series of separate incidents, i.e. some conduct may not be considered harassment unless it is repeated. It is important to stress that intention is irrelevant, i.e. whether or not an individual intends to harass another person has no bearing as to whether or not harassment occurred. Instead, the focus is on whether or not an individual’s conduct is unwelcome from the perspective of others.

4.3 **Sexual harassment** as defined by this Policy consists of offensive or other behaviour that is related to a person’s sex as well as behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive learning or working environment or that could reasonably be thought to put sexual conditions on a person’s employment or academic endeavour. Examples of sexual harassment include:

- submission to conduct by an individual that is made, either explicitly or implicitly, as a term or condition of an individual's employment or academic endeavour or

- submission to or rejection of conduct by an individual that is used as the basis for employment academic decisions affecting the individual., or
- Stalking may also be considered to be a form of sexual harassment. Stalking is defined as a course of conduct directed at a specific person(s) involving more than one instance of unwanted attention, unwanted physical or verbal contact, use of threatening words and/or conduct, or any other course of conduct that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Stalking may also be considered a criminal offence, and should be reported immediately to campus security and your local law enforcement agency. Stalking is also addressed in the City University Sexual Misconduct Policy

2.4 Bullying is defined as any inappropriate behaviour in the form of repeated and unwanted conduct or

comment that a person knew or reasonably ought to have known would cause a student or employee to be intimidated or humiliated, and which affects a person's dignity or psychological or physical integrity, that has no legitimate purpose, and results in a harmful learning or work environment for the student(s) or employee(s).

A single serious incident of such behaviour that has a lasting harmful effect on a student or employee may also constitute bullying.

Bullying or harassing behaviour can occur between individuals at all levels in the University and such comment or conduct may include:

- Personally picking on a person in front of others, or in private;
- Non-constructive criticism addressed in such a way as to intimidate, undermine confidence, or imply incompetence;
- Shouting or using abusive or foul language and/or intimidating behaviour, including gestures and comments;
- Making rude, derogatory or offensive remarks in person, by email or social media;
- Overloading an individual with work and reducing time frames;
- Sabotage of a person's work;
- Abuse of power, authority or position;
- Spreading malicious rumours, gossiping about or damaging a person's reputation;
- Isolating or excluding an individual from others;
- Threats to a person's employment or educational status, person or property;
- Humiliating initiation or hazing practices; and
- Making malicious or vexatious complaints about a person.

Bullying or harassment does not include the exercise of appropriate managerial or supervisory direction, including performance management and the imposition of discipline; constructive criticism; respectful expression of differences of opinions; reasonable changes to assignments or duties; correction of inappropriate student behaviour; instructional techniques such as irony, conjecture, and refutation, or assigning readings or other instructional materials that advocate controversial positions; and single incidents of thoughtless, petty or foolish words or acts that cause fleeting harm.

2.5 **Complainant** is the individual alleging that they have been subjected to inappropriate or unwelcome workplace behaviour that may constitute discrimination, harassment or bullying.

2.6 **Respondent** is the individual against whom an allegation of inappropriate or unwelcome workplace behaviour such as discrimination, harassment or bullying has been made.

2.7 **Respectful Workplace Coordinator Canada** (“RWCC”) is a staff member jointly appointed by the Vice-President Canadian Program, the Vice-President Student Services and the Director of Human Resources. This individual will have completed Respectful Workplace training, workplace investigator and conflict resolution training; the appointment is for 2 years.

3 RESPONSIBILITIES

3.1 Employees, Faculty, Students, Associate Faculty, and others covered by this Policy shall:

- comply with this Policy by not discriminating against, harassing or bullying others;
- participate in education and training related to this Policy;
- participate in the resolution processes related to this Policy;
- report unacceptable behaviour when it is observed, whether or not a complaint is submitted;
- report to the Respectful Workplace Coordinator Canada discriminating, harassing or bullying behaviour that is observed or experienced; and,
- act as a role model to demonstrate behaviour that creates a respectful learning and work environment.

3.2 City University shall:

- develop and implement a Respectful Workplace Policy and accompanying procedures;
- provide training and education to support this Policy;
- implement informal procedures to address incidents of discrimination, harassment or bullying;
- appoint a Respectful Workplace coordinator in Canada

3.3 The RWCC shall:

- promptly advise the Vice President Canadian Programs and the Director of Human Resources of any student complaints;
- promptly advise the Vice President Canadian Programs, the Director of Human Resources of any employee, faculty or associate faculty complaints that come forward;
- assess formal complaints to determine whether an investigation is required;
- participate in the investigation and resolution of any complaints related to discrimination, harassment or bullying;
- conduct an investigation, either internally or by appointing an external investigator;
- ensure no retaliation or breach of confidentiality occurs during any resolution process;

- determine, and where appropriate, implement consequences/remedies from the investigation; and
- annually review this Policy and its accompanying procedures and reporting forms, and provide updated copies to all members of the University.

4. REPORTING PROCESS

- 4.1 Students should report the incident to someone with whom they feel comfortable disclosing this information in the first instance: their instructor, program director, the Vice-President Canadian Programs or the RWCC directly.
- 4.2 Faculty and Associate Faculty should report the incident to the RWCC or Vice President, Canadian Programs.
- 4.3 Employees who experience, observe or know of conduct related to this policy, must report this to the RWCC either directly or to the RWCC via their direct supervisor.
- 4.4 If the complaint involves the Vice-President Canada or Director of Human Resources, it will be forwarded to the Vice-President Student Services.
- 4.5 If the complaint is against the RWCC, or the RWCC has a conflict of interest, or if there is a reasonable apprehension of bias, then that person will not participate in the process any further, and the VP Student Services will assume the role of the RWCC (see Section 4.1)

5 INFORMAL RESOLUTION PROCESS

- 5.1 Informing the Respondent: If the Complainant has been subjected to the behaviours outlined in this Policy, they may choose to inform the Respondent directly to make the behaviour known to the Respondent so they can stop the behaviour. If the Complainant does not wish to directly confront the Respondent, they should follow the procedure outlined under “Reporting Process (see Section 4)
- 5.2 Mediation: the Complainant may choose this informal process with an external mediator. If a mediation occurs, the process will be documented and a mediation agreement may be forwarded to the RWCC (with the parties consent).
- 5.3 Should no informal resolution be achieved, the Complainant may proceed to submit a formal complaint.

6. INVESTIGATION PROCESS

- 6.1 The Complainant may subsequently have the issue addressed through an investigation, as described below.
- 6.2 The Complainant and/or the Respondent may, at any time during the formal process, seek to resolve the complaint through facilitation by the RWCC, or mediation with the assistance of an external Mediator.

6.3 The Complainant and the Respondent may have a representative or support person present at any time during the process outlined under these Procedures.

6.4 The fact that a complaint is being pursued under this Policy does not preclude the Complainant from pursuing a process outside of the University, such as filing a complaint with the applicable human rights or workers' compensation entity. The University will nevertheless continue its process to a conclusion.

6.5 The complaint process is as follows:

(a) The Complainant:

- Initially provides either a written or verbal complaint to the RWCC within six (6) months of the date when the last incident of the alleged conduct occurred. A written complaint will consist of a completed Complaint Form (Appendix A). If the initial complaint is verbal, the RWCC will document the complaint on a Complaint Form which will be verified by the Complainant.
- The completed Complaint Form will contain all of the following:
 - description of the conduct or behaviour
 - date(s) and time(s) when the conduct occurred
 - identity of the individual responsible for the conduct
 - identity of any witnesses to the conduct
 - description of the effect of the conduct on the Complainant.
- The Complaint Form is submitted to the RWCC who will determine whether or not it is a possible violation of the Policy.
- The RWCC will advise the Complainant of their right to have a support person present, including legal counsel. If the Complainant retains legal counsel, they are fully responsible for any associated fees.

(b) The Respondent:

- i. Will be informed in writing by the RWCC , within seven (7) calendar days, that a complaint has been made. A copy of the Complaint Form and this Policy will also be provided to the Respondent.
- ii. The Respondent will provide the written Response Form (Appendix B) to the RWCC within five (5) days of receiving the Complaint Form.
- iii. The RWCC will advise the Respondent of their right to have a support person present, , including legal counsel. If the Respondent retains legal counsel, they are fully responsible for any associated fees.

(c) The RWCC

- iv. The RWCC arranges as expeditiously as possible for an investigation into the complaint to determine whether or not discrimination, harassment or bullying has occurred.
- v. An Investigator appointed by the RWCC will conduct personal interviews with the Complainant, Respondent and any other witnesses the Investigator deems relevant. The Investigator gathers and analyzes all relevant information, documentary and oral evidence and reviews provisions of relevant University policies. This investigation will:
 - be undertaken promptly and thoroughly;
 - be fair and impartial, providing the Complainant and the Respondent equal treatment; and
 - be confidential and sensitive to the interests of all parties involved (as outlined in Section 9 below);
- vi. The Investigator prepares a written report at the conclusion of the investigation. The report will include findings of fact, conclusions, recommendations and/or remedies. In the event the University utilizes an external Investigator, the Investigator will provide the written report to the RWCC. The University shall retain all records related to the complaint.
- vii. For employees, faculty and associate faculty, a copy of the investigator's report will be submitted to the Director of Human Resources and the Vice-President Canadian Programs. The Vice President will decide whether to dismiss or uphold all or part of the Complaint.
- viii. For students, a copy of the Investigator's report will be submitted to the Vice-President Canadian Programs and the Vice President Student Services. The Vice President will decide whether to dismiss or uphold all or part of the Complaint.
- ix. The RWCC advises the Complainant and the Respondent at the conclusion of the investigation of the relevant findings, conclusions, recommendations and/or remedies.

7. RETALIATION

- 7.1. Retaliatory conduct against any individual who has accessed the Policy in good faith will be treated as bullying or harassment, and will be dealt with seriously, as a separate actionable matter under the Policy.
- 7.2. Retaliatory conduct is any conduct directed towards an individual based on that individual having:
 - invoked the Policy in good faith, whether on his or her own behalf or on behalf of another covered by this Policy;
 - participated in, or cooperated with, any process or procedure set out in the Policy; or
 - associated with another individual who has invoked the Policy or has participated in any of its processes or procedures.

8. FALSE CLAIMS

The University prohibits an individual from knowingly filing a false complaint or making misrepresentations of discrimination, harassment or bullying. However, a complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegations of discrimination, harassment or bullying. Acts of knowingly filing false claims are cause for separate disciplinary action.

9. CONFIDENTIALITY

The University will endeavour to keep complaints filed under the Policy as confidential as is reasonably possible. However, disclosure of certain information may be required to investigate or resolve a complaint, and in some instances, disclosure to other persons or agencies may be permitted or required by law.

All participants in any complaint brought forward under this Policy must maintain strict confidentiality respecting any information or evidence touching upon that complaint. Accordingly, any deliberate and unnecessary breach of confidentiality will be considered a violation of the Policy, and/or a separate instance of harassment and/or retaliatory conduct, and may be subject to a range of corrective measures up to and including termination of employment or contract, removal from a position or expulsion from the University.

10. DISCIPLINARY ACTIONS

A range of corrective measures, up to and including termination of employment or contract, removal from a position or expulsion from the University may be imposed depending on the nature, severity or frequency of the offending behavior.

11. APPEALS

Students may appeal any discipline that is imposed under these Procedures through submission of an appeal to the University Provost.

Staff or faculty may appeal any decision or discipline that is made or imposed under these Procedures through an appeal to the President.

12. EDUCATION

Information about the Respectful Workplace Policy for the prevention of discrimination, harassment and bullying is distributed to new staff and faculty at the time of hire. The policy and procedure can be found at <https://www.cityu.edu/discover-cityu/about-cityu/> under the Policies section.

Orientation of staff and faculty, including teaching faculty, includes:

- description of the Respectful Workplace Policy
- expectation to locate and read the Policy in the appropriate handbook

- instruction on how to access and complete the web-based Respectful Workplace training and online knowledge test within the first week of employment, and
- ongoing education for staff and faculty, including teaching faculty.
- In-classroom and on-line training modules will be required for Canadian students

13. RESOURCES

Alberta Human Rights Act:

<http://www.qp.alberta.ca/documents/Acts/A25P5.pdf>

Workers' Compensation Board of Alberta:

<https://www.wcb.ab.ca>

BC Human Rights Code:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96210_01

Worksafe B.C.

<https://www.worksafebc.com>

The CityU Academic Freedom Policy, adapted from the 1940 resolution of the American Association of University Professors and the Association of American Colleges - <http://www.cityu.edu/discover-cityu/about-cityu/>

14. CONCLUSION

The University has developed this Policy in order to ensure that all members of the University can work and learn in a safe and healthy environment free from discrimination, harassment and bullying. This Policy is compliant with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. Sec 1681, et seq., and subsequent regulations.

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Appendix A
Complaint Form

I, _____ (name of Complainant),
COMPLAINANT: (FIRST NAME LAST NAME)
working or studying as a _____ at _____ have reasonable grounds
JOB TITLE / FACULTY **WORK SITE / LOCATION**

to believe that _____ (name of Respondent),
RESPONDENT: (FIRST NAME LAST NAME)

who works as a or studies in _____, at _____
JOB TITLE / FACULTY **WORK SITE / LOCATION**

has discriminated against me or harassed me on a prohibited ground of discrimination or bullied me in the course of my employment or academic pursuit on or about the _____ day of _____, 201____, in contravention of City University's Discrimination, Harassment and Bullying Prevention Policy.

THE DETAILS OF MY COMPLAINT ARE AS FOLLOWS:

*Details **MUST** include a brief account of the alleged conduct, confirmation as to when the conduct occurred, confirmation as to where the conduct occurred, identification of any individuals involved including the names of witnesses or potential witnesses and a description of the effect of the conduct. For discrimination and harassment a reference to the prohibited ground that has allegedly been violated is to be included. Use additional pages, as necessary.*

I understand and accept the confidentiality requirements of City University's Discrimination, Harassment and Bullying Prevention Policy. I agree to abide by these requirements and understand that if I breach such confidentiality requirements, I am subject to a range of corrective measures, up to and including termination of employment or contract, removal from a position or expulsion from City University.

Signed at _____ this _____ day of _____, 201____.
WORK SITE / LOCATION

Complainant's Signature

Appendix B
Response Form

I, _____ (name of Respondent),
RESPONDENT: (FIRST NAME LAST NAME)

working or studying as a _____ at _____ have read the formal complaint
JOB TITLE / FACULTY WORK SITE / LOCATION

dated the _____ day of _____, 201__, and filed by

_____ (name of Complainant) who
COMPLAINANT: (FIRST NAME LAST NAME)

works as a or studies in _____ at _____, alleging that I have discriminated
JOB TITLE / FACULTY WORK SITE / LOCATION

against and/or harassed the Complainant on a prohibited ground of discrimination or bullied in contravention of City University's Discrimination, Harassment and Bullying Prevention Policy.

MY RESPONSE TO THE FORMAL COMPLAINT IS AS FOLLOWS:

PLEASE PRINT CLEARLY (USE ADDITIONAL PAGES, AS NECESSARY)

I understand and accept the confidentiality requirements of City University's Discrimination, Harassment and Bullying Prevention Policy. I agree to abide by these requirements and understand that if I breach such confidentiality requirements, I am subject to a range of corrective measures, up to and including termination of employment or contract, removal from a position or expulsion from City University.

Signed at _____ this _____ day of _____, 201__.
WORK SITE / LOCATION

Respondent's Signature