

**Approval Authority:** Board of Governors**Last Approved:** December 22, 2021**Administrative Responsibility:** President**Next Review:** 2024-2025

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## **POLICY**

Nicola Valley Institute of Technology is committed to providing a learning and working environment that is free from harassment and discrimination. The Institute considers harassment of an individual to be an infringement of that individual's fundamental rights.

Harassment is a serious offence that may be subject to a range of disciplinary measures up to and including expulsion in the case of a student, or termination in the case of an employee. Harassment may consist of a single incident, a continuous incident, or repeated incidents.

All members of Nicola Valley Institute of Technology have the responsibility to treat each other with dignity and to respect the rights of others. As necessary, the Institute will offer educational programs aimed to prevent harassment and discrimination. The Institute will promote a climate of understanding and mutual respect for the dignity and worth of each person within the campus community.

## **PROCEDURES**

Any member of the Institute who believes that (s)he has a complaint of discrimination or harassment is encouraged to discuss the complaint with the respondent and to ask the respondent to stop the offensive behaviour or to correct the action which resulted in discrimination or harassment.

If a complainant chooses not to make a direct request of the respondent, or if that request does not achieve a satisfactory result, a complaint may be lodged in accordance with the procedures set out below. Note that there are three sets of procedures outlined: A) employees covered by the collective agreement; B) students; and C) employees not covered by the collective agreement. In the early stages, the complainant may have questions or need to discuss the situation. Information and assistance is available from the Union Steward, the Dean, Human Resources, and Vice President of Students.

### **Indigenous Methods**

Traditional Indigenous methods of conflict resolution will be applied wherever possible.

### **Timelines**

It is recognized by all parties that time is of the essence in addressing complaints of harassment or discrimination. Every effort will be made by all parties to deal with the complaint in a timely manner. Each step of the applicable procedure should be responded to within 10 working days. Time limits are

not binding upon the Institution and may be modified as is reasonably necessary to accomplish the purpose of this policy and these procedures.

#### **A. Complaints Arising From Employees Covered by the Collective Agreement**

Any complaints of harassment or discrimination received by the Employer involving an individual covered by the Collective Agreement will be dealt with according to the applicable articles in the Collective Agreement.

#### **B. Complaints Arising From Students**

1. Inquiries or complaints will be presented to Human Resources.
2. All complaints must be in writing, and must contain details of the alleged discrimination, including the name of the respondent, particulars of the incident(s), date, time and place of the incident(s) and, where possible, the names of any witnesses.
3. Human Resources will advise the person(s) who submits an inquiry or complaint, of the policy and its procedures.
4. Human Resources, in consultation with the Leadership Team will determine whether an inquiry or complaint is within the scope of the policy, and will advise the person who submits the inquiry or complaint of this determination. If it is determined that the complaint is not within the scope of the policy, the complaint and any other documentation in relation to it will not be kept.
5. If it is determined that the complaint is within the scope of this policy, the appropriate Dean will:
  - (a) immediately inform the respondent in writing of the allegation(s);
  - (b) provide the respondent with written particulars of the complaint (if applicable);
  - (c) in confidence, and on a need-to-know basis, advise the administrative supervisor or other personnel that a complaint has been made.

Except in exceptional circumstances, complaints alleging harassment or discrimination which occurred more than six (6) months from the date of the most recent alleged incident(s) will not be processed.

6. NVIT's legal responsibility to provide an environment free from discrimination, including sexual harassment, may obligate NVIT to proceed in the absence of a complaint from the persons directly affected. In such cases, the senior administrator will decide whether to proceed, and whether or not to proceed under this policy or pursuant to other NVIT policies and procedures.

#### **Informal Resolution**

1. The Dean may, where appropriate, endeavour to seek an informal resolution of the complaint. Informal resolution may include mediation, education or similar activities involving one or several of the parties concerned.
2. If an informal resolution acceptable to both the complainant and the respondent is reached, the Dean shall:
  - (a) prepare a Record of Resolution or conclusion or settlement to be signed by both parties;
  - (b) assist in bringing about whatever administrative or other action is needed to implement the resolution.

## **Investigation**

1. In the event that the Dean determines that an informal process is not appropriate, or in the event that an informal resolution is not reached, the Dean may, in his/her discretion, arrange for a formal investigation to commence. If a formal investigation is warranted, the Dean will determine whether the investigation will be carried out by internal personnel or by external resources based on the circumstances and applicable collective agreement provisions.
2. After completion of the investigation, the investigator will prepare a report setting out the nature of the complaint and of findings of fact at the conclusion of the investigation.
3. The final investigation report will immediately be forwarded to the President.

## **Findings**

1. After reviewing the investigation report, the President will consider the report, decide upon a course of action (if any) and provide a written decision to the complainant(s) and respondent(s). The report may be forwarded to the appropriate parties as required by applicable collective agreement provisions.
2. If the President or designate determines that the respondent has not discriminated against the complainant, (s)he will:
  - (a) dismiss the complaint;
  - (b) prepare a Record of Resolution which will be provided to the complainant and the respondent.
3. If the President or designate determines that the respondent has discriminated against the complainant, (s)he may:
  - (a) request and be provided with any previous record of discrimination involving the respondent, in order to determine whether discipline is appropriate;
  - (b) if the respondent is an employee, consult with Human Resources to review the employment records of the respondent in order to determine whether discipline is appropriate;
  - (c) impose appropriate discipline on the respondent;
  - (d) if the respondent is an employee, place the Record of Resolution in the respondent's personnel file;
  - (e) take any other steps that he/she deems necessary in the circumstances.
4. If the President or designate determines that the complaint is of a frivolous, vindictive, or vexatious nature, (s)he may take appropriate action (which may include discipline).
5. Any discipline imposed may be appealed as follows:
  - (a) in the case of an employee who is a member of a bargaining unit, the matter may be grieved in accordance with the procedure set out in the appropriate collective agreement;
  - (b) in the case of a student or an employee who is not a member of a bargaining unit, and the discipline does not involve dismissal from the institution, the matter may be appealed to the President, or in a case where the president determined the discipline, to the Board.

- (c) in the case of a student or an employee who is not a member of a bargaining unit, and where discipline imposed is expulsion, suspension or dismissal, the matter may be appealed to the Board in accordance with the College and Institute Act.

### **Temporary Removal**

Where the complainant is, at the time of making the complaint, under the supervision of the respondent, then, at the request of the complainant, arrangements may be made for the work and/or examinations, if any, of the complainant to be evaluated by a disinterested party and, if necessary, for the complainant or respondent to be removed from the environment of the alleged discrimination pending the result of the investigation.

### **Records**

1. All records will be kept confidential except as otherwise provided by the policy or as required by collective agreement or law.
2. Human Resources will keep a statistical record of complaints which will include:
  - (a) the nature of the complaint;
  - (b) the date of the complaint;
  - (c) the status of the complainant and the respondent (i.e. male, female, student, staff, etc.);
  - (d) if resolved informally, the nature of the resolution;
  - (e) the finding of the President; and
  - (f) where applicable, the nature of the discipline imposed.
3. The statistical records will be summarized but will not be reported so as to identify the parties involved.

### **C. Complaints Arising From Employees Not Covered by the Collective Agreement**

1. Complaints should be lodged with Human Resources personnel who will receive all inquiries and complaints. In the event that Human Resources personnel are involved in the incident, the complaint will be lodged with the President.
2. All complaints must be in writing, and must contain details of the alleged discrimination, including the name of the respondent, particulars of the incident(s), date, time and place of the incident(s) and, where possible, the names of any witnesses.
3. Human Resources will advise the person(s) who submits an inquiry or complaint, of the policy and its procedures.
4. Human Resources, in consultation with the Leadership Team, will determine whether an inquiry or complaint is within the scope of the policy, and will advise the person who submits the inquiry or complaint of this determination. If it is determined that the complaint is not within the scope of the policy, the complaint and any other documentation in relation to it will not be kept.
5. If it is determined that the complaint is within the scope of this policy, Human Resources will:
  - (a) immediately inform the respondent in writing of the allegation(s);
  - (b) provide the respondent with written particulars of the complaint (if applicable);
  - (c) in confidence, and on a need-to-know basis, advise the administrative supervisor or other personnel that a complaint has been made.

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