

DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION

Approval Authority	President
Responsible Executive	Associate Vice President, Human Resources
Related Policies / Legislation	Discrimination, Bullying and Harassment Prevention Procedures Human Rights Code Workers' Compensation Act Occupational Health & Safety (219) Occupational Health and Safety Regulation Student Non-Academic Conduct (204)

PURPOSE

The purpose of this policy is to aid in the prevention of discrimination, bullying and harassment and to enable the university to act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned.

SCOPE

This policy applies to all members of the university community engaged in university-related activities. It applies to all interpersonal communications, including electronic communications, such as email, posts, and texts.

DEFINITIONS

In this policy and its procedures, the following definitions apply:

Bullying or Harassment: Behaviour that includes any inappropriate conduct or comment (including electronic) by a person who knew or reasonably ought to have known that the behaviour would cause humiliation or intimidation. Harassment excludes interpersonal conflict and any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the workplace, any reasonable action taken by an instructor relating to the management of the classroom and assignment of work, or action where the harm by any objective standard is fleeting.

Discrimination: Discrimination is any form of unequal adverse treatment of a person or group, whether intentional or not, on the basis of one or more prohibited grounds set out in the British Columbia *Human Rights Code*, namely: age, ancestry, colour, family status, marital status, physical or mental disability, place of origin, political belief (applicable to employment advertisement and employment), race, religion, sex (including gender identity), sexual orientation or criminal conviction unrelated to employment or program of study; and which has the effect or purpose of unreasonably interfering with that person's or group's access to the employment or educational opportunities, benefits and advantages available to other members of society. Discrimination includes harassment based on a prohibited ground of discrimination, including sexual harassment. The prohibited grounds under this Policy will be interpreted in the same manner as they are interpreted by the British Columbia Human Rights Tribunal. For example, the ground of "sex" has been interpreted to include gender identity,

gender expression, sexual harassment, sexual assault and the actuality or possibility of pregnancy, breastfeeding and childbirth, and will be so interpreted under this policy.

Harassment based on a prohibited ground of discrimination: Behaviour directed towards another person that is abusive or demeaning, including a direct or indirect reference to a prohibited ground of discrimination, and would be viewed by a reasonable person experiencing the behaviour as interfering with the person's participation in a university-related activity or as creating an intimidating, humiliating or hostile environment.

Members of the university community: The following are considered members of the University community for this policy:

- All employees and students of the university;
- Any person appointed by the university (whether or not that person is an employee), or engaged in activities arising directly out of the operations of the university;
- Persons employed under contracts with university faculty members as the employer, who provide research or administrative services directly supporting faculty members' research activities;
- Members of the Board of Governors;
- Anyone residing on campus; and Service providers, contractors, independent societies and associations operating on campus, and their employees, agents and visitors.

Retaliation: Retaliation is an adverse action taken against a member of the university community for:

1. having invoked this policy or procedures in good faith whether on behalf of oneself or another individual;
2. having participated or cooperated in any investigation under this policy or procedures; or,
3. having been associated with a person who has invoked this policy or participated in the procedures.

University-Related Activity: Any activity directly related to or arising out of the operations of the university at any location. All activities on the university's campuses are university-related unless they are within the exclusive control of either separately incorporated organizations or an organization/group external to the university that does not fall within the definition of members of the university community.

POLICY

Members of the university community have the right to work, study and participate in activities at the university in an environment free of discrimination, bullying and harassment. Discrimination, bullying and harassment are neither acceptable nor tolerated at the University of the Fraser Valley.

Academic freedom is a fundamental tenet of the university. This policy shall not be interpreted or applied to impose on the legitimate academic freedom of any member of the university community.

All parties to proceedings under this policy will be treated in a fair and respectful manner. The university will protect from retaliation anyone who, in good faith, brings or supports a complaint of discrimination, bullying or harassment.

This policy and related procedures do not prevent anyone from pursuing other available legal avenues.

REGULATIONS

Responsibilities

All members of the university community must:

- not engage in discrimination, bullying or harassment;
- report discrimination, bullying or harassment they observe or experience; and
- apply and comply with the university's policies and procedures on discrimination, bullying and harassment.

Senior administrators, deans and directors have the primary responsibility for maintaining a working and learning environment free from discrimination, bullying and harassment. They are expected to model appropriate behaviour and to act on this responsibility whenever necessary, whether or not they are in receipt of a complaint.

Human resources is responsible to:

- develop and maintain procedures necessary to give effect to this policy. Such procedures will be published on the website and will include:
 - confidential consultation and advice for all members of the university community,
 - educational and pro-active approaches to informal resolution, and
 - fair, transparent investigation and adjudication procedures.
- communicate this policy and accompanying procedures to all employees of the University.

Complaints under this policy

Barring exceptional circumstances, complaints under this policy must be made within six (6) months of the last incident of Discrimination, Bullying or Harassment.

All complaints must be made in good faith. Any complaint that is found to be malicious, vexatious or submitted in bad faith may be considered harassment under this policy.

Subject to limits imposed by law, this policy or procedures, or concerns of an individual's health, safety, and security, information which is created, gathered, received, or compiled from a complaint and through the course of an investigation shall be treated as confidential by the university, the parties and witnesses.

Any person found in breach of this policy may be subject to corrective action and/or formal disciplinary action up to and including dismissal from employment or suspension/expulsion from a university program.

All employees of the university will be provided with a copy of the policy and an up-to-date policy shall be published on the UFV website.

Annual Review

This policy will be reviewed annually by the Associate Vice President, Human Resources.

APPENDICES

Discrimination, Bullying and Harassment Prevention Procedures can be found on the UFV website on the Human Rights and Conflict Resolution page under Harassment Prevention Policy.

ufv.ca/hrcro/harassment-prevention-policy