



Policy Supporting Document:	O-5.10.1
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Policy Holder:	Exec. Dir. Human Resources

PROCEDURES FOR REPORTING, RESOLVING AND/OR INVESTIGATING RESPECTFUL WORKPLACE AND HUMAN RIGHTS COMPLAINTS

[IN SUPPORT OF RESPECTFUL WORKPLACE POLICY: 0-5.10](#)

These procedures along with the Respectful Workplace Policy replaced the Human Rights Policy: 0-5.10.

It is the desire of Camosun College to provide an effective and consistent process for responding to respectful workplace, bullying and harassment, and human rights complaints, regardless of whether the complaint is initiated internally or externally. This protocol also enables Camosun College to form an accurate picture of emerging issues for the purpose of developing preventative measures.

This document is comprised of the following:

- Section 1.0 – [Roles and Responsibilities](#)
- Section 2.0 – [Reporting, Resolving and/or Investigating Respectful Workplace and Human Rights Complaints](#)
- Section 3.0 – [Informal Resolution Process](#)
- Section 4.0 – [Workplace Review](#)
- Section 5.0 – [Formal Resolution Process](#)
- Section 6.0 – [Procedure for Non-Camosun College Employees](#)
- Section 7.0 – [Multiple Proceedings](#)

1 Roles and Responsibilities

Camosun College

Responsibilities:

- Educating individuals (employees, contractors, board members and other individuals who work within the organization) and workplace leaders (supervisors, chairs, managers, directors, deans and executive members), regarding:

- Human rights, appropriate behaviour in the workplace, bullying, harassment, and dispute resolution;
- All forms of discrimination, including discriminatory harassment, and about prevention and eradication; and
- Ways to promote and maintain an environment free of discrimination, bullying and harassment;
- Making every effort to prevent discrimination, bullying and harassment from occurring within Camosun College;
- Responding promptly and effectively to complaints;
- Broadly disseminating information regarding the procedures for filing and resolving complaints;
- Providing a process for:
 - Informal resolution of respectful workplace concerns; and
 - Reporting and investigating respectful workplace complaints.

Individuals

Responsibilities:

- Conducting themselves in a respectful and appropriate manner in the workplace and at work-related activities;
- Resolving differences in the workplace, and reporting any violations that they become aware of, either observing or experiencing bullying, harassment, disrespectful behaviour or discrimination in accordance with the Procedures;
- Approaching their workplace leader if support and assistance to do the above is needed and;
- Applying and complying with the Respectful Workplace Policy and Procedures

Workplace Leaders (includes Supervisors, Chairs, Managers, Directors, Deans and Executive members)

Responsibilities:

- Modeling respectful and appropriate conduct in the workplace;
- Taking corrective action, with the assistance of their human resources consultant, if they become aware of or observe bullying, harassment, disrespectful behaviour or discrimination;
- Reviewing the detail of the policy with new individuals during their orientation and providing them with a copy;
- Emphasizing respectful workplace conduct during the performance feedback process with employees, and

- Taking all allegations and/or complaints about violations of the Respectful Workplace Policy seriously, addressing them in a timely manner, seeking assistance as necessary to achieve the resolution of complaints in accordance with this Policy and providing ongoing education about this Policy.

Nothing in this Policy is intended to reduce the rights and responsibility of a workplace leader to appropriately and in good faith, manage the work performance of individuals in their work teams.

Human Resources Consultants (HRC)

Responsibilities:

- Guiding managers and individuals through the application of the Respectful Workplace Policy;
- Consulting in a timely manner on appropriate interventions;
- Providing confidential advice and/or coaching to individuals and workplace leaders regarding harassment issues;
- Arranging for mediated discussions between individuals at the informal level, if appropriate;
- Arranging for facilitated group interventions, before or after a formal complaint;
- Making recommendations to the Executive Director of Human Resources on options including the engagement of external consultants, mediators, educators and coaches as required to help individuals manage differences and foster the skills and knowledge necessary to maintain a respectful workplace;
- Acting as investigators (if appointed) provided that they have had no prior involvement in the situation or recommending external investigators; and
- Providing advice to workplace leaders on appropriate remedies for violations of the Policy.

Executive Director, Human Resources or designate (ED of HR)

The ED of HR has expertise in the identification and handling of respectful workplace issues, in alternative dispute resolution processes, and in human rights complaint handling.

Responsibilities:

- Ensuring the delivery of education about human rights, appropriate behaviour in the workplace, bullying, harassment, and dispute resolution;
- Conducting a preliminary assessment of a formal complaint submission to ensure it falls within the parameters of this Policy; and warrants a full investigation; and
- Acting as a case manager for formal complaint processes;
- Deciding whether time limits for filing formal complaints should be extended as per Section 5 of these procedures; and
- Approving the engagement of an investigator, mediator or facilitator for informal or formal complaints under the Procedures.

2 Reporting, Resolving and/or Investigating Respectful Workplace and Human Rights Complaints

There are two avenues of resolution under the Respectful Workplace Procedures: informal and formal. These procedures encourage direct resolution of disputes and provide individuals with options to assist them in that resolution.

To that end, we expect that the informal approach be used first where applicable and appropriate, except in the instances where there are threats of harm to person or property or previous examples of retaliation. Should the informal process fail or be unable to produce resolution, a formal approach may be taken.

These procedures provide navigation to all parties through the internal process, and in no way preclude individuals who think that they may have been the recipient of discriminatory behaviour from pursuing the matter in accordance with the terms of the existing contract of employment or collective agreements and/or via the B.C. Human Rights Tribunal or [WorkSafe BC \(see section 7.0\)](#).

Where collective agreements include specific language for investigating human rights complaints, the collective agreement language will prevail.

At any time during the resolution process any employee covered under a Collective Agreement is entitled to request union representation and will be advised of such rights in any situation where discipline might result.

Confidentiality

To protect the interests of the complainant(s), the respondent(s), and any others who may be involved, confidentiality will be maintained throughout the resolution processes to the extent practicable and appropriate under the individual circumstances. Information that must be shared will be disclosed on a "need to know" basis. Parties to a complaint, including witnesses, are not to share information or discuss details of the complaint. If the College determines that the safety of an individual is at risk the procedures and rights outlined in this policy, including confidentiality may be set aside.

Retaliation

Any retaliation against any party involved in a complaint or complaint resolution process will not be tolerated.

Bad Faith, Vexatious, Vindictive, False or Frivolous Complaints

Where the complaint is considered vexatious, vindictive, false or frivolous in nature and/or made in bad faith, the ED of HR will recommend action to the appropriate workplace leader.

Any breaches of confidentiality, acts of retaliation or complaints found to be vexatious, vindictive, false, or frivolous in nature or made in bad faith may lead to disciplinary action for the party involved, up to and including termination.

3 Informal Resolution Process

If an individual identifies a situation with another individual that is negatively impacting their work, the individual may attempt to deal with the concern directly by engaging in an informal resolution process that could include:

- Informal Conversation
- Workplace Leader Involvement
- Alternative Dispute Resolution

As soon as practicable during the informal resolution process, the other person will be provided with the details of the issues raised, provided that such disclosure will not jeopardize the safety of any individual or the property or assets of the College. Details, where available, will include information about: (1) the concern at issue; (2) when the concern took place; and (3) where the concern took place.

Informal Conversation

Who	Action
Individual	Ask the other person to meet at a convenient time and in a private place to engage in cooperative problem solving. Either party may choose to have someone with them to act as a witness, observer and support.
Individual	Raise the issue with the other person in a way that helps both understand the interaction and achieve resolution by: <ul style="list-style-type: none">• Describing the troubling behaviour and the impact; be prepared to be specific about behaviours• Listening to the other's perspective• Exploring your respective interests (needs, concerns, hopes)• Creating options for solving the situation• Developing an agreement that meets as many as possible of the interests
Individual	<ul style="list-style-type: none">• If the issue is resolved, no further steps are taken• If the issue is not resolved or if the person refuses to participate, document the informal steps taken and, request a meeting with your workplace leader or, in their absence, a designate

Workplace Leader Involvement

If an individual has been unsuccessful resolving the issue through an informal conversation or is unsure of how to approach the other person, s/he may seek support from their workplace

leader. If, for any reason, s/he feels uncomfortable in approaching his/her own workplace leader, s/he can speak to the next level of workplace leader.

The workplace leader will make every effort to respond to concerns raised within 10 working days.

Who	Action
Individual	Discuss the issue with your workplace leader. Be specific about the behaviour causing concern and the efforts that have already been made to resolve the situation.
Workplace Leader	<p>Attempt to assist the individual by:</p> <ul style="list-style-type: none"> • Hearing the concern • Acknowledging the impact on the individual • Clarifying what the individual wants and needs • Exploring the informal and formal options for resolution • Advising that any further resolution process requires that details of the issues raised be disclosed to the other person, if this has not been done already, and provided that such disclosure will not jeopardize the safety of an individual or the property or assets of the College. <p>If the individual indicates that s/he wants to resolve the concern informally, possible options include, but are not limited to:</p> <ul style="list-style-type: none"> • Facilitating a discussion between the individuals • Requesting agreement to contact the other person to hear their perspective and explore ways of resolving the concern <p>Tip: You may choose to contact an HRC for guidance or coaching in this regard.</p>
Workplace Leader	<ul style="list-style-type: none"> • If the issue is resolved, take no immediate action as agreed; • If the issue is not resolved: <ul style="list-style-type: none"> - Proceed to the Alternate Dispute Resolution process; or - Proceed to the Formal Resolution process

If the matter is not resolved within 20 working days of the workplace leader becoming involved, the individual or the other person may request that the matter either proceed to the Alternative Dispute Resolution process or file a formal complaint and proceed to the Formal Resolution process.

Alternative Dispute Resolution

Alternative Dispute Resolution ("ADR") includes any voluntary process that aims to assist two (or more) people to reach resolution. Parties may gain a better understanding of each other's interests, improve communications and reach cooperative solutions leading to better future relations. Both individuals have to agree to the ADR process.

Who	Action
Individual	Requests that their workplace leader initiate the ADR process or agree to a request to initiate the ADR process.
Workplace Leader	Contacts the HRC to initiate the ADR process.
ED of HR	Following consultation with the HRC, may appoint a qualified internal or external <i>mediator or facilitator*</i> not otherwise involved in the process.
<p>Note: During the pre-mediation process, each person will have the opportunity to request that they be accompanied and assisted during the ADR process by a support person which may be a union representative. The role of support people will be defined by and is at the discretion of the mediator or facilitator.</p>	
Workplace Leader	➤ If the issue is not resolved , individuals may consider initiating the Formal Resolution Process.

**A mediator or facilitator is an impartial, neutral third party with expertise in ADR processes whose purpose is to assist parties to formulate their own consensual resolution of the matters at issue between them. The mediator or facilitator will not be asked to represent any party in any future proceedings related to the dispute.*

If the individual decides not to proceed, but concerns are revealed regarding the physical or psychological impact of the alleged behaviour on other members of the Camosun Community, Camosun College retains the right to initiate its own determination and resolution process under the Procedures. The decision to do so will be made in consultation with the ED of HR.

4 Workplace Review

A workplace review is a process in which confidential conversations with individuals are held with a third party to help determine the nature and extent of workplace issues.

Who	Action
Workplace Leader	Contacts the ED of HR. If the concerns have come directly to the ED of HR and not through the workplace leader, the ED of HR may contact the appropriate workplace leader to discuss a workplace review.
ED of HR	Clarifies nature and frequency of contacts related to an individual to determine if a workplace review is appropriate and if confidentiality of those potentially interviewed can be maintained. Appoints a qualified internal or external party to conduct the workplace review. Note: the ED of HR will act as a case manager throughout the process.
Third Party	Conducts confidential interviews with identified individuals. Prepares a report identifying themes of concern based on information received during the interview process. Provides recommendations for resolutions of issues identified during the

	review to the ED of HR.
ED of HR	Receives and reviews the report with the appropriate workplace leader. Facilitates the preparation of an implementation plan relating to recommendations.

5 Formal Resolution Process

The Formal Resolution Process is often, but not always, the most appropriate process for allegations of discrimination, bullying or harassment complaints due to matters of legal responsibility and liability under the Human Rights Code or the Workers Compensation Act. This process may also be utilized when the informal or ADR processes have failed to produce a resolution for discrimination, bullying or harassment complaints.

This procedure provides navigation to all parties through the internal process, and in no way precludes individuals who think that they may have been the recipient of discriminatory bullying or harassing behaviour from pursuing the matter in accordance with the terms of the existing contract of employment or collective agreements and/or via the B.C. Human Rights Tribunal or WorkSafe BC. Where collective agreements include specific language for investigating human rights complaints, the collective agreement language will prevail.

This process includes the following:

- Making a Formal Complaint
- The Investigation Process
- Remedies, Closure and Follow-up
- Appeals

Where available, particulars of the complaint will be provided to the Respondent at the outset of the process, where such disclosure will not jeopardize the safety of any individual, the integrity of a pending investigation into the complaint, or the assets or property of the College.

Time Limits

The time limit for making a Formal Complaint is six months from the last incident. This is consistent with the time limits noted in *the B.C. Human Rights Code*.

A Complaint which does not meet this time limit may be accepted for consideration under these Procedures when, in the opinion of the ED of HR:

- Circumstances warrant an extension of this deadline; or
- The delay in filing the complaint was incurred in good faith; or
- No substantial prejudice will result to any person because of the delay.

An application for an extension of the time limit shall be in writing and directed to the ED of HR. The decision of the ED of HR may be appealed to the Vice President, Administration or designate.

Alternative Dispute Resolution at the Formal Complaint Stage

ADR is again available to both parties to try to resolve the complaint at any point during the Formal Process. Where both parties agree to an ADR process, they will advise the ED of HR who will appoint a qualified internal or external mediator or facilitator not involved in investigating the complaint. Any person may withdraw from the ADR process at any point. Investigation will be suspended during the ADR process and may resume if ADR efforts are not successful.

Interim Measures

Interim measures may be imposed during the complaint resolution process to ensure the work environment is safe and service within the involved area is not compromised. These measures will be determined and implemented by the appropriate workplace leader in consultation with the ED of HR and other relevant parties as necessary and practicable. Notice of the interim measures will be provided in writing, to the individual(s) affected.

Withdrawal of a Formal Complaint

At any time during the course of an investigation of a formal complaint, the complainant may choose to withdraw his or her complaint without penalty unless the investigator finds that the complaint was frivolous, vexatious, vindictive, false or made in bad faith.

Record Keeping

All records of Formal Complaints, including any and all oral or written information gathered, received, or compiled throughout the Formal Process shall be maintained by the ED of HR in a secured confidential file.

All records shall remain in the secure file for seven (7) years, after which they shall be destroyed. Anonymous data, however, shall continue to be recorded for statistical purposes only.

Access to the confidential files shall be governed by the provisions of the [Freedom of Information and Protection of Privacy Act](#).

Definitions:

- Complainant(s)* – The person(s) making a complaint that a violation of this Policy has occurred.
- Respondent(s)* – The person(s) alleged to have committed a violation of this Policy.
- Investigator* – An internal or external investigator (i.e. appointed or engaged by Camosun College to conduct an investigation in relation to these Procedures).

Making a formal complaint

Who	Action
Complainant(s)	Fill in and submit a Formal Complaint form, obtained by:

	<ul style="list-style-type: none"> • Downloading from the policy website at O-5.10.2 or • Emailing hr@camosun.ca to request a formal complaint form <p>Be specific when completing a complaint form, including dates, locations, witnesses and any action taken to try to remedy the situation.</p> <p>Submit the completed, dated Complaint form to your workplace leader or the ED of HR. If the complaint is about the ED of HR, then the complaint may be submitted to the VP Administration.</p>
Workplace Leader	<p>In consultation with the HRC, explain to the individual the various avenues that are available to address the complaint (Camosun policy, collective agreement and/or the B.C. Human Rights Tribunal). It is important to note that anonymity cannot be maintained when filing a formal complaint.</p> <p>If the complaint proceeds under this policy, immediately contact the ED of HR.</p> <p>If the Complainant has completed a Complaint Form, forward a copy of the Complaint Form to the ED of HR.</p> <p>Where collective agreements include specific language for investigating human rights complaints, the collective agreement language will prevail.</p>
ED of HR	<p>Preliminary Assessment by ED of HR</p> <p>Prior to moving to an investigation, the ED of HR will conduct a preliminary assessment by reviewing the Complainant's Complaint Form, if applicable, to determine whether an investigation is warranted.</p> <p>The ED of HR may decide not to refer a complaint to further investigation if the preliminary assessment reveals that:</p> <ul style="list-style-type: none"> • the subject matter of the complaint does not fall under the Respectful Workplace Policy; • the complaint is frivolous or was clearly filed for improper motives or made in bad faith; • the substance of the complaint has been appropriately dealt with in another proceeding, including processes under the collective agreement or at the Human Rights Tribunal; or • the complaint was filed outside of the six month time limit and the ED of HR is of the opinion that delay was undue having regard to the factors noted above under the Time Limits section of these Procedures. <p>The preliminary assessment will be completed by the ED of HR within ten working days, or as soon as practicable.</p> <p>If after completing the preliminary assessment, the ED of HR is</p>

	<p>of the opinion that a further investigation is warranted, the ED of HR will assign an internal or external investigator within 5 working days, where possible, of making his or her decision.</p> <p>If the ED of HR determines that the complaint falls under the Respectful Workplace Policy and should be investigated then within 10 working days of completing the Preliminary Assessment she/he will:</p> <ul style="list-style-type: none"> • Notify the Respondent that a complaint has been filed by the Complainant. • Provide a copy of the Complaint Form or particulars of the Complaint to the Respondent, if such particulars are available and where it is appropriate to do so, where such disclosure will not jeopardize the safety of any individual, a pending investigation into the complaint, or the assets or property of the College. • Advise the Respondent of their right to submit a response to the Complaint within seven working days via the Response Form which is available on the policy website at O-5.10.3
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The Investigation Process

Camosun College will appoint an investigator who has the necessary experience and training to properly deal with the complaint. The investigation will normally commence within two weeks of its authorization by the ED of HR and be completed within 60 working days depending on availability of Complainant, Respondent, witnesses, and other factors. If these deadlines cannot be met in a particular case, the ED of HR will advise the Complainant and the Respondent and his or her union representatives (as applicable).

Who	Action
Investigator	<p>Review all relevant documents (Complaint Form, Response Form and any other documentation presented as evidence).</p> <p>Conduct in-person interviews with the complainant, the respondent and all necessary witnesses.</p> <p>Meet with the respondent and provide them with the nature and details of the complaint and relevant information obtained in the course of the investigation.</p>
Respondent	<p>The respondent will be given a reasonable chance to respond to the allegations.</p>

Who	Action
Investigator	<p>Follow up on any explanations provided by the respondent regarding the allegations.</p> <p>Submit to the ED of HR a report with conclusions as to whether the evidence supports or does not support the allegations.</p> <p>Makes recommendations for a resolution to the complaint.</p>
ED of HR	<p>Within a reasonable timeframe after receipt of the investigator's findings and recommendations, the ED of HR will, where practicable:</p> <ul style="list-style-type: none"> • Consult with relevant stakeholders • Inform the Complainant and the Respondent through a letter of decision of the results of the investigation • Provide information on the appeal process under this Policy.

Unsubstantiated Complaints

If the investigator finds insufficient evidence to support the complainant's allegations, the investigator will submit a finding of "unsubstantiated." There will be no record of the complaint on the complainant or respondent's file and no penalty to anyone concerning the incident. A finding of "unsubstantiated" is a simple reflection of an absence of evidence to support the claim – nothing more. It is important to differentiate between a finding of "unsubstantiated" and a "bad faith, vexatious, vindictive, false or frivolous complaint."

Remedies, Closure of Complaint Investigation, Appeals, Implementation Plan and Follow-up

a. Remedies

The range of remedies for the complainant, if the complaint is upheld, may include, but are not limited to, the following:

- Oral and/or written apology from the respondent and/or Camosun College; and
- Any administrative changes that are appropriate.

Outcomes for the respondent, if the complaint is upheld, may include but are not limited to the following:

- Coaching;
- Counseling;
- Education;
- Re-orientation to this Policy and its purposes;
- Transfer; and

- Discipline up to and including termination with or without notice.

In circumstances where the complaint was found by the investigator to have been made in bad faith or to be vexatious, vindictive, false or frivolous, appropriate action will be taken which could include discipline for the complainant, up to and including dismissal. Remedies for respondents found to be falsely accused may include steps to restore any lost reputation and any other remedies that the ED of HR may consider appropriate.

b. Closure of Complaint Investigation

Who	Action
Exempt Workplace Leader	Advise other parties involved in the complaint (witnesses and others) that the investigation has been concluded. Note: This will take place once the appeal period (set out under Appeals in next section) has expired.

c. Appeals

Where the Complainant or Respondent is dissatisfied with the outcome or process, s/he may appeal directly to the Vice President, Administration in writing **within 30 days** of receipt of the letter of decision. This request must clearly outline the reason(s) for the appeal.

Where the Respondent is dissatisfied with the action taken, s/he may appeal directly to the Vice President, Administration in writing **within 30 days** of receipt of the letter of decision. This request must clearly outline the reason(s) for the appeal.

This procedure provides navigation to all parties through the internal process, and in no way precludes individuals who think that they may have been the recipient of discriminatory behaviour from pursuing the matter in accordance with the terms of the existing contract of employment of collective agreements and/or via the B.C. Human Rights Tribunal or WorkSafe BC.

Where collective agreements include specific language for investigating human rights complaints, the collective agreement language will prevail.

d. Implementation Plan

ED of HR	Facilitate the preparation of an implementation plan which may include corrective action and remedies.
Exempt Workplace Leader	Inform the Complainant and the Respondent of the implementation plan, including if appropriate, remedies, changes in work, and any disciplinary action.

e. Follow-Up

It is recognized that experiences with discrimination or other behaviour contrary to this Policy can be difficult for the Complainant, the Respondent and any other parties involved. Camosun College is committed to providing support, information, and opportunities for an evaluation and feedback of the process to those involved in resolution under this Policy. The follow-up process may include:

Individuals	May access support available through the Employee and Family Assistance Program (“EFAP”). May provide feedback to the ED of HR at any time.
Workplace Leader	May contact the ED of HR to arrange for a unit debriefing. This debriefing may include, but is not limited to, advising the unit that the situation has been resolved and actions to remedy the complaint have been taken. May request further education, including information on conflict management, and training on the Policy and its objectives.
ED of HR	May request formal feedback on the Formal Process from the complainant and the respondent within six months after the complaint is resolved.

6 Procedure for Non-Camosun Employees

Volunteers

In the event that the respondent is a volunteer, the appropriate workplace leader, in consultation with the HRC will implement the appropriate remedy.

Students

In the event that the complainant is a student, the appropriate workplace leader will follow the procedures outlined in the [Student Complaint Process](#)

If the respondent is a student, the appropriate workplace leader will follow the procedures outlined in the [Student Conduct Policy](#).

Guests and Visitors

In the event that the respondent is a guest or visitor, the appropriate workplace leader for the service in conjunction with the HRC will implement the appropriate remedy.

Suppliers and Contractors

In the event that the respondent is a supplier/contractor, the appropriate workplace leader for the service, in conjunction with the HRC, will initiate contact with the appropriate personnel within either the Camosun Purchasing department or the external agency to determine the appropriate remedy.

7 Multiple Proceedings

Camosun College recognizes that a person who reasonably believes that his or her rights are being violated may have, in addition to access to this Policy, a number of other internal and external avenues available to address their concerns. These avenues may include, but are not limited to:

- Collective agreement processes; where collective agreements include specific language for investigating human rights complaints, the collective agreement language will prevail.
- Filing a complaint with the [British Columbia Human Rights Tribunal](#) or [WorkSafe BC](#);
- Filing a complaint to relevant professional bodies, and;
- Pursuing private proceedings.

In the case where an individual has opted to exercise his or her rights under more than one avenue of redress, Camosun College may request the employee to defer proceeding with the other avenues while the complaint under this Policy is being investigated.

If the employee does not wish to defer other proceedings, Camosun College may, at its discretion, stop its investigation under the Policy pending the outcome of other proceedings. There may be circumstances where it is appropriate for both the internal and external processes to proceed simultaneously, in which case both the complainant and respondent will be notified.