

## **RESPECTFUL ENVIRONMENT POLICY**

Approved Date: January 22, 2014

### **1. Purpose**

The purpose of this policy is to affirm the commitment of the UBC Vancouver Alma Mater Society (AMS) to an environment in which all individuals are treated with respect and dignity.

The AMS prohibits and will not tolerate discrimination, harassment (including sexual harassment) and/or bullying, and will make every reasonable effort to ensure that the people who work for it and to whom it provides services, as well as those who join its clubs, are not subjected to discrimination, harassment or bullying.

### **2. Scope**

This policy applies to everyone who provides services to the AMS (employees, volunteers and appointees).

This policy applies to everyone to whom the AMS provides services (including: members of AMS clubs, members of AMS resource groups, customers and members of AMS Constituencies).

Situations covered by this policy include all work-related activities as well as interactions with third parties such as suppliers, service and delivery personnel, members, and the public at large.

### **3. Definitions**

“Bullying and Harassment” means any inappropriate conduct or comment by a person towards another person that the first person knew or reasonably ought to have known would cause the second person to be humiliated or intimidated, but with respect to employees, volunteers and appointees excludes any reasonable action taken by a manager relating to management and/or direction, or the place of employment. Although bullying and harassment typically refer to a series of incidents, a single serious incident may constitute bullying and harassment.

“Complainant” means the individual filing a complaint.

“Discrimination” means making a distinction, whether intentional or not, based on enumerated grounds, relating to personal characteristics of an individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others.

“Enumerated grounds” means: race, colour, age, ancestry, citizenship, creed, national or ethnic origin, sex (including pregnancy), religion, marital status, family status, disability (physical and mental), sexual orientation, gender identity, union membership, and criminal conviction unrelated to employment.

“Respondent” means the individual against whom a complaint is filed.

#### **4. Examples of bullying and harassment**

Examples of personal bullying and harassment encompassed by this policy are:

- Insults or verbal aggression, such as yelling, swearing, name-calling, and intentional humiliation.
- Multiple or destructive “pranks” or “practical jokes” directed towards an individual, or targeted group of individuals, including harmful hazing or initiation practices.
- Vandalizing or otherwise damaging or defiling personal belongings, work area or work product.
- Social isolation, ignoring an individual or unwarranted exclusion from organized team building activities.
- Spreading malicious rumours (regardless of whether they are believed to be true).

#### **5. Examples of bullying and harassment based on grounds of discrimination**

Sexual harassment is a form of discrimination based on sex or sexual orientation. Examples include:

- Making or threatening reprisals after a negative response to sexual advances.
- Making unwelcome sexual advances, propositions, flirtations or repeated unwelcome requests for or efforts to make social contact, including asking questions about sexual conduct or sexual orientation or spreading rumours about such information.
- Making comments about an individual’s body, sexual prowess, sexual orientation or sexual deficiencies or using sexually degrading or vulgar words to describe an individual or making derogatory sexual comments.
- Displaying or distributing sexually suggestive or gender-based objects, pictures, posters, cartoons, letters, or e-mails.

Other examples of harassment and bullying on the basis of noted grounds of discrimination include:

- Offensive jokes related to race or nationality.
- Racial slurs or commentary.
- Display of literature or materials that promotes the supremacy of one race or ethnic group.

## **6. Zero Tolerance**

The AMS has a zero tolerance policy towards any form of discrimination, harassment or bullying. Individuals covered by this policy who engage in discrimination, harassment or bullying are in violation of this policy and will be subject to disciplinary or corrective action, as set out below.

## **7. Retaliation Prohibited**

The AMS prohibits retaliation against any individual who reports discrimination, harassment or bullying or participates in an investigation of such reports. Retaliation against an individual for reporting discrimination, harassment or bullying or for participating in an investigation of a claim of discrimination, harassment or bullying is a serious violation of this policy and, like harassment itself, will be subject to corrective action, as set out below.

## **8. Reporting an Incident of Discrimination, Harassment, or Bullying**

The AMS will make every reasonable effort to ensure that no one is subject to discrimination, harassment, or bullying.

Who should report an incident?

It is essential, in supporting this policy, that every person to whom this policy applies immediately act upon becoming aware of any discrimination, harassment or bullying.

How do you report an incident?

AMS encourages people within the scope of this policy to address any conduct that they consider to be inappropriate or unwelcome in an informal manner by advising the individual of the concern and asking them to stop. A person approached in this manner should immediately stop the offending conduct or comments.

If that approach is not successful or appropriate and a person feels that he or she has been the victim of bullying, harassment or discrimination, or witnesses conduct that they believe is bullying, harassment or discrimination, the person must report this as follows:

- If the respondent is an AMS employee, the report should be to their direct manager.
- If the respondent is participating in a club or resource group, the report should be to a member of the club or resource group executive.
- If the respondent is participating in a constituency, the report should be to a member of the constituency executive.
- If the respondent is participating in a committee, the report should be to the chair of the committee.

If the complaint concerns the individual(s) to whom it would otherwise be submitted, it may be reported as follows:

- If the respondent is an AMS employee, the report should be to a member of the human resources department.
- If the respondent is participating in a club or resource group, the report should be to the SAC vice chair or the VP Administration.
- If the respondent is participating in a constituency, the report should be to the SAC vice chair or the VP Administration.
- If the respondent is participating in a committee, the report should be to the chair of the Oversight Committee.

A complaint of discrimination, harassment or bullying may be made orally or in writing. A complaint should be made as soon as possible after the incident.

If you witness or are aware of an incident of discrimination, harassment or bullying you should contact the appropriate person as set out above.

## **9. Investigation Process**

All complaints of discrimination, harassment, bullying or retaliation will be taken seriously and will be subject to an informal or formal process. The individual to whom an incident is reported shall determine which process is more appropriate, and shall allow the complainant an opportunity to submit a request that the formal process be again considered should they be unsatisfied with the informal process after its completion. A request for reconsideration shall be lodged with the individual to whom an incident was initially reported but shall be decided on by the human resources department. Should the formal process be decided upon at any point, the human resources department shall be notified immediately.

The Informal Process:

- When will the informal process occur?

The AMS will follow the informal process when the facts suggest the discrimination, harassment or bullying is relatively minor, out-of-character, or a single event.

The informal process is for complaints that can be resolved without discipline (i.e. the appropriate response is remedial, not disciplinary).

- How will the informal process occur?

The informal process usually will involve discussions with both the complainant and the respondent in an attempt to mediate a resolution. The informal process is largely oral and, as the name suggests, informal.

All parties involved may contact the AMS Ombuds office to mediate the complaint.

- What is the role of the complainant?

The complainant must report the discrimination, harassment or bullying and actively participate in the informal process toward resolving the complaint.

- What is the role of the respondent?

The respondent must actively participate in the informal process toward resolving the complaint. The respondent is strictly prohibited from retaliating.

- What is the role of other persons?

Usually other people will not have a role in the informal process. Occasionally, the person charged with managing the informal process may need to speak to another person who was a witness to the discrimination, harassment or bullying to get additional facts or a perspective to assist with resolution. In those circumstances, the other person should actively participate in the informal process toward resolving the complaint.

- Who is charged with managing the informal process?

The person charged with managing the informal process shall be the individual with whom a complaint is filed.

- What is the role of the person charged with managing the informal process?

The person charged with managing the informal process will attempt to mediate an informal resolution to the complaint. The purpose of the resolution is remedial to restore harmony; it is not to sanction or punish.

The person charged with managing the informal process will create a written record with respect to the informal process including: [a] the nature of the complaint; [b] the identity of the complainant; [c] the identity of the respondent; [d] the identity of any other person involved; and [e] the outcome of the informal process.

- What is time frame for the informal process?

The person charged with managing the informal process will attempt to complete the informal process within two weeks of the complainant bringing forward the complaint. If additional time is required, the person charged with managing the informal process will provide the complainant and respondent notice as to how much additional time is required and the reasons that time is required.

The Formal Process:

- When will the formal process occur?

The AMS will follow the formal process for all complaints of discrimination, harassment or bullying for which the informal process is not initially or subsequently deemed appropriate.

- How will the formal process occur?

The formal process involves: [a] written submissions; [b] interviews and investigation; and [c] a written decision.

- What is the role of the complainant?

The complainant must report the discrimination, harassment or bullying and actively participate in the formal process. To begin the formal process, the complainant will be required to complete a written statement that provides: [a] a detailed account of the incident being investigated; [b] any supporting documentation; [c] names of witnesses, if applicable; and [d] the remedy being sought (i.e. how the complainant would like to see the complaint resolved).

- What is the role of the respondent?

The respondent must actively participate in the formal process. The respondent will be provided details of the complaint and asked to respond by way of a written statement. The respondent's written statement should also include: [a] a detailed account of the incident being investigated; [b] any supporting documentation; and [c] names of witnesses, if applicable.

- What is the role of other persons?

People who are identified as witnesses of the discrimination, harassment or bullying should actively participate in the formal process. A person may be asked to submit a written statement that includes: [a] a detailed account of the incident being investigated; [b] any supporting documentation; and [c] names of further witnesses, if applicable.

- Who is charged with conducting the investigation?

The person charged with conducting the investigation will be a member of the human resources department or a designate thereof when appropriate.

- What is the role of the person charged with conducting the investigation?

The person charged with conducting the investigation will collect the written statements and review the evidence set out therein.

The person charged with conducting the investigation will then interview all parties. The interview process will provide an opportunity to substantiate the written submissions and refute points raised by the other party.

Following the interview process, the person charged with conducting the investigation will consider all the available evidence and consult as required with other parties, and outside

experts to reach a decision.

The person charged with conducting the investigation will render a written decision. The written decision will include: including: [a] the nature of the complaint; [b] the identity of the complainant; [c] the identity of the respondent; [d] the identity of any other person involved; [e] the evidence considered and findings of fact made; [f] the reasoning behind the decision; and [g] the recommended response to the complaint. Both the complainant and respondent will receive written notice of when a decision is reached.

- What is time frame for the formal process?

The complainant should provide a written statement within 14 days of making the complaint.

The respondent should provide a written statement within 14 days of being advised of the particulars of the complaint.

Other people should provide written statements within 14 days of being requested to provide those statements.

The person charged with conducting the investigation should complete interviews within 21 days of receiving the written statements.

The person charged with conducting the investigation should produce a written decision within 21 days of completing the interviews.

If additional time is required at any stage of the formal process, the person charged with conducting the investigation will provide the complainant and respondent notice as to how much additional time is required and the reasons that time is required.

The AMS reserves the right to engage professional third parties to assist with or conduct the investigation process, and the AMS may also involve legal counsel.

- What is the role of the Ombuds Office in the formal process?

All parties may consult with the AMS Ombuds office as a resource throughout this process.

## **10. Other Roles for the Ombuds Office**

Members of the AMS, or those with concerns relating to a member of the AMS or to an AMS sanctioned program, event or activity, may also consult with the AMS Ombuds Office for information, advice, support and referrals relating to matters of discrimination, harassment or bullying.

## **11. Confidentiality**

A complainant has the right to ask that his or her reporting of a complaint be kept confidential. The AMS will not disclose the name of the complainant to any person except where disclosure

is necessary for the purposes of investigating the complaint or taking responsive measures in relation thereto.

All reports, records and decisions produced through the investigation process are treated as containing confidential and personal information and are subject to the AMS' policies relating to the use and non-disclosure of such information.

## **12. Corrective Action**

Depending on the circumstances, the AMS may do one or more of the following where discrimination, harassment or bullying is substantiated:

Where the respondent is an AMS employee or volunteer:

- Make a note of the incident on the individual's record;
- Provide the person a verbal warning;
- Provide the person a written warning;
- Require the person to attend training;
- Require that the person attend counselling;
- Transfer the person, either laterally or through demotion;
- Suspend the person with or without pay; and/or
- Terminate the employee's employment or the volunteer's or appointee's services.

Where the respondent is a service recipient or service provider to AMS:

- Make a note of the incident on the individual's record;
- Provide the person a verbal warning;
- Provide the person a written warning;
- Require that the person attend counselling as a precondition to continued access to or provision of AMS services;
- Ban the person from receiving or delivering AMS services;
- Ban the person from AMS property.

## **13. Vexatious, Trivial, Frivolous, and Bad Faith Complaints**

Complaints which are made in bad faith and are vexatious, trivial, or frivolous in nature will be

subject to appropriate disciplinary or corrective action by the AMS and may result in penalties as described above.

#### **14. AMS Rights**

Modification of Investigation Process: The human resources department has the right to leave out, consolidate or amend any or all stages of the Investigation Process where it considers it appropriate to do so.

Modification of Policy: This policy may be changed or amended by AMS Council from time to time.

#### **15. Other Rights and Responsibilities**

Nothing in this policy replaces any other legal rights a person may have.