

## ATTACHMENT #4 – AMS RESPECTFUL COMMUNITY AND WORKPLACE POLICY (POLICY I-18)

Number & Title:

I-18: AMS Respectful Community and Workplace Policy

Effective Date:

September 23, 2019

Approval Date:

August 21, 2019

Policy Type:

Internal Policy

Review Date:

This policy shall be reviewed every two years.

Responsible Body:

Executive Committee

Authority:

AMS Code of Procedure Section II, article 11(1)

“Council may create external and internal policies as well as combined policies.”

WorkSafeBC: OHS Regulations 4.1, 4.24 - 4.31 and OHS Policies D3-115-2, D3-116-1, and D3-117-2, and R-4.27.1 - 4.31.1.

Purpose and Goals:

The purpose of this policy is to set clear expectations for the provision and maintenance of a workplace and student environment that ensures that all individuals are treated with respect and dignity and are able to work and function in an environment free from Bullying and Harassment, Discrimination, and Violence.

The goal of this policy is to promote an environment that is free from Bullying and Harassment, Discrimination, and Violence and to address inappropriate behaviour at the earliest stage.

Zero Tolerance

The AMS prohibits and will not tolerate Discrimination, Bullying and Harassment, and/or Violence, and will make every reasonable effort to ensure that the people who work for the AMS and to whom the

AMS provides services, as well as those who join AMS clubs, are not subjected to Discrimination, Bullying and Harassment, or Violence.

Persons who engage in Discrimination, Bullying and Harassment, or Violence are in violation of this policy and will be subject to corrective action, as set out below.

Applicability:

This policy is applicable to all AMS Active Members, as defined by AMS Bylaw 2, Section 1(a), 'Members', and AMS Staff, as defined below. This policy also applies to contractors, which are included as AMS Staff, but the application of this policy does not impact their contractor status.

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.

Exclusions:

There are no exclusions for this policy.

Definitions:

1. "Bullying and Harassment": 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, intimidated, or unsafe;
  - a. with respect to AMS Staff, Bullying and Harassment excludes any reasonable action taken by a manager relating to management and/or direction, or the place of employment;
  - b. with respect to AMS Members, Bullying and Harassment excludes any reasonable action taken by a person in good faith with respect to the provision of AMS services or the performance of AMS functions.
2. "Discrimination": making a distinction, whether intentional or not, based on grounds enumerated in human rights legislation, which has the effect of imposing burdens, obligations, or disadvantages on an individual or group not imposed on others;
3. "Violence": the threatened, attempted or actual exercise of physical force by a person against another that causes or could reasonable cause physical injury, including making a statement or engaging in behaviour that causes a person to believe that they are at risk of physical injury;
4. "AMS Member": as defined by AMS Bylaw 2, Section 1(a), but limited to Active Members who are not also considered as an AMS Staff;
5. "AMS Staff": any individual who is an employee, volunteer, appointee, or contractor of the AMS;
6. "Complainant": the individual who is filing a complaint;
7. "Respondent": the individual against whom a complaint is filed.

## Specific Examples of Discrimination and Bullying and Harassment

Examples of personal Bullying and Harassment that are not based on a ground protected by human rights legislation, but which would still be prohibited under 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.
- Isolating or ignoring, or unwarranted exclusion from organized team building activities.
- Spreading malicious rumours (regardless whether they are believed to be true).
- Cyber-Bullying

Although Bullying and Harassment typically refer to a series of incidents, a single serious incident may constitute Bullying and Harassment. It may take place in different ways, including one-to-one, in a group, or through electronic means (e.g., e-mail or social media).

Sexual harassment is the most common form of Discrimination based on a ground enumerated in human rights legislation; it is a form of Discrimination based on sex, sexual orientation, or gender identity or expression. Examples of sexual harassment include:

- Making or threatening reprisals after a negative response to sexual advances.
- Making unwelcome sexual advances, propositions, flirtations, leering, 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, gender identity or expression, 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.

Sexual Violence is also addressed by and prohibited under AMS’s stand-alone Internal Sexual Violence Policy (Policy I-17).

Examples of Bullying and Harassment on the basis of other enumerated grounds of Discrimination include:

- Offensive jokes related to race or nationality.

- Racial slurs or commentary.
- Display of literature or materials (including electronic documents such as email, texts and social media posts) or rhetoric that promotes the supremacy of one race or ethnic group or belittle a race or ethnic group.
- Mimicking a person's accent, speech or mannerisms
- Hate speech or discriminatory rhetoric.

If you are not sure whether conduct is offensive, it probably is. Questions about whether specific conduct falls within the scope of this policy may be directed to the AMS Human Resources Manager or the Ombudsperson.

Responsibility:

It is everyone's responsibility to create and maintain a workplace and student environment that is free from Bullying and Harassment, Discrimination and Violence by treating others with dignity and respect. All individuals are accountable for their own behaviour and must know and comply with this policy.

All AMS Members and AMS Staff are expected to:

- refrain from engaging in Discrimination, Bullying and Harassing behaviours, and Violence;
- report all instances of Discrimination, Bullying and Harassment, and Violence whether they are the target or a witness of such an incident;
- refrain from making false, vexatious or unsubstantiated allegations about Discrimination, Bullying and Harassment or Violence;
- comply with AMS policies and procedures; and
- attend training sessions as required to better understand their rights and obligations under this policy.

Retaliation Prohibited

The AMS prohibits retaliation, which includes threats of retaliation, against any individual for reporting a concern or filing a complaint in good faith under this policy or cooperating in an investigation.

Retaliatory behaviour may include, but is not limited to:

- Unwarranted criticism of a person, including bad mouthing (i.e. defaming) them or their job performance.
- Ostracizing the person, including refusing to speak to or work with the person.
- Failing to extend to a person an opportunity available to others, including the unjustified reassignment of a person to different duties or a different position.

- Seeking to persuade the Complainant to withdraw a complaint.

Retaliatory behaviour does not include good faith job performance assessments, normal work-related comments and direction, or discipline for just cause. Nor does it include good faith provision of AMS Services or the performance of AMS functions.

Any AMS Staff who believes that they have been subjected to retaliation should immediately report the matter to their immediate supervisor or the AMS Human Resources Manager. Any AMS Member who believes that they have been subjected to retaliation should immediately

report the matter to the Ombudsperson. All complaints of retaliation will be investigated in accordance with the investigation process.

#### Responding to Violence

Any AMS Staff or AMS Member who witnesses or experiences any Violence should first take all necessary and reasonable steps to ensure their own safety and the safety of others.

In the event of emergency, local emergency personnel should be contacted immediately by calling 9-1-1.

Once safe, the AMS Staff and/or AMS Member should immediately report the incident to their immediate supervisor, the AMS Human Resources Manager, or the Ombudsperson.

All incidents of Violence must be reported and documented, whether any individual is injured or not. All incidents requiring reporting under the Workers Compensation Act and/or Occupational Health and Safety Regulations will be reported to WorkSafeBC.

Incidents of sexual violence will be addressed under AMS's standalone Internal Policy on Sexual Violence (Policy I-17).

#### Responding to Discrimination or Bullying and Harassment

The 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 the offending behaviour. 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 they have been the victim of Bullying and Harassment or Discrimination, or if a person witnesses conduct that they believe is Bullying, Harassment or Discrimination, the person shall report this as follows:

- If the Respondent is an AMS Staff, the report should be to the Human Resources Manager. If it is not appropriate to approach the Human Resources Manager, the AMS Staff may report to the Managing Director.
- If the Respondent is an AMS Member, the report should be to the Ombudsperson Office.

Complainants are encouraged to use the attached Respectful Community and Workplace Complaint Form to record details of their complaint.

### Investigation Process

Where an informal process does not resolve the conduct, or the nature of the conduct is unlikely to be resolved by an informal process, an AMS Staff or AMS Member should pursue a formal complaint. AMS responds to all complaints with an investigation.

AMS Staff should submit their complaint(s) and initiate an investigation by reporting to the Human Resources Manager. If the Human Resources Manager is in a conflict of interest, the AMS Staff in question can report to the Ombudsperson.

AMS Members should submit their complaint(s) and initiate an investigation by reporting to the Ombudsperson. If the Ombudsperson is in a conflict of interest, the AMS Member in question can report to the Human Resources Manager.

AMS will assign an appropriate neutral party to conduct an investigation into the merits of the complaint.

Investigations will generally be conducted within 30 days after receiving the complaint. The complexity of a complaint or other circumstances may result in an investigation taking longer.

While the AMS will tailor the nature of the investigative process to the particular circumstances of each case, the investigation will usually include:

- interviewing the Complainant and the Respondent;
- interviewing any witnesses to the conduct;
- gathering and reviewing relevant documents, telephone, voice, data, text messages and any other record including written statements, notes, emails, pictures and other electronic records;
- making findings of fact and conclusions;
- communicating the findings and conclusions to the parties involved, as appropriate;
- determining the appropriate follow up action.

All persons, including the Complainant and Respondent, are expected to fully cooperate with the investigation process. This may include providing information in an interview, submitting a written statement, and/or disclosing emails or documents.

The process for investigating complaints may range from a relatively informal process where a few words are all that is needed to resolve the matter to a more formal process involving extensive submissions, fact-finding and the use of outside counsel. The AMS will make the decision as to the appropriate resources to allocate to each complaint and as to the process for the investigation.

## Additional Resources

All parties may consult with the AMS Ombudsperson office as a resource throughout this process. AMS Members, or those with concerns relating to an AMS Member or to an AMS-sanctioned program, event or activity, may also consult with the AMS Ombudsperson for

information, advice, support and referrals relating to matters of Discrimination, Bullying and Harassment, or Violence.

## Confidentiality

A Complainant has the right to ask that their 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 or where disclosure is required by law.

In almost all complaints, the AMS will have to disclose to the Respondent and potential witnesses enough information about the complaint to allow them to give meaningful evidence. This often involves or results in identification of the Complainant.

As part of the complaint resolution process under this policy, the following persons, their staff and assistants will also usually have access to information arising from the complaint:

- The person to whom the Complainant reports the conduct;
- The investigator;
- The person or people who determine the appropriate corrective action; and
- Legal counsel or outside third parties who are called upon to assist with the complaint resolution process.

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.

Any unauthorized breach of confidentiality will be treated seriously and may result in discipline up to and including immediate termination of employment or similar sanction.

## Corrective Action

Depending on the circumstances, the AMS may do one or more of the following where Discrimination, Bullying and Harassment, or Violence is substantiated.

Where the Respondent is an AMS Staff, the appropriate supervisor may:

- Make a note of the incident on the individual's record;

- Provide the person with a verbal warning;
- Provide the person with a written warning;
- Require that the person attend training;
- Require that the person attend counselling;
- Transfer the person, either laterally or through demotion;
- Suspend the person with or without pay;
- Terminate the employee's employment or the volunteer's or appointee's services;
- Contact the police; and/or
- Seek a remedy through a civil claim or other court action.

Where the Respondent is an AMS Member, the AMS Operations Committee may:

- Make a note of the incident on the individual's record;
- Provide the Respondent with a verbal warning;
- Provide the Respondent with a written warning;
- Ban the Respondent from AMS property;
- Ban the Respondent from an AMS Club or AMS Clubs;
- Contact the police; and/or
- Seek a remedy through a civil claim or other court action.

Respondent as Member of AMS Council

Where the Respondent's supervisor is AMS Council, the Respondent is a voting member of AMS Council, or the Respondent is a student member of the UBC Board of Governors and/or UBC Senate, that also holds a seat on AMS Council, AMS Council will be responsible for adjudicating cases and determining the appropriate corrective action.

Review of Decision

Where corrective action results in an AMS Member being suspended or expelled, that AMS Member may apply for a review of decision to the AMS as follows:

- a. Requests for a review of decision must be submitted to the Ombudsperson, and shall include:
  - i. any pertinent evidence;

- ii. a brief statement explaining any change in circumstances and grounds for appeal.
- b. The Ombudsperson will forward requests for a review to the previous adjudicating body, along with the original files.
- c. The Operations Committee will review the request and reach a decision, which will be delivered to the individual requesting for review and the Respondent to the review in a brief statement outlining the reason for the decision.

#### AMS Rights

This policy may be changed or amended by AMS from time to time.

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

#### Consultations:

The following groups have been consulted during the development of this policy:

AMS Policy Advisor, SASC Manager, AMS Human Resources Manager, AMS Legal Counsel, AMS Council, AMS Executive Committee, Panhellenic Council, Interfraternity Council, Constituencies, Student Resource Groups.

#### History:

N/A

#### Related Policies:

I-17: AMS Sexual Violence Policy

#### Appendix/Appendices:

There are no appendices for this policy

#### ATTACHMENT #5 – AMS RESPECTFUL COMMUNITY AND WORKPLACE REPORT FORM

This form should be used to report a complaint under the AMS Respectful Community and Workplace Policy. This form should be completed as soon as possible after an incident of Bullying and Harassment or Discrimination has occurred. If you intend to submit a formal report and the Respondent (individual you are reporting) is an AMS Staff, please submit this form to the Human Resources Manager ([praneetsandhu@ams.ubc.ca](mailto:praneetsandhu@ams.ubc.ca)). If you intend to submit a formal report and the Respondent (individual you are reporting) is an AMS Member, please submit this form to the AMS Ombudsperson ([ombudsperson@ams.ubc.ca](mailto:ombudsperson@ams.ubc.ca)).

SASC can also assist you with completing this form. SASC can be contacted at: Sexual Assault Support Centre Phone:

604-827-5180 Email:

sasc@ams.ubc.ca Website:

amssasc.ca

Privacy Notification: This form will be treated in accordance with the AMS Respectful Community and Workplace Policy and the AMS Privacy Policy. The AMS will not disclose information on this form to any individual except where disclosure is necessary for the purposes of investigating the complaint or taking responsive measures in relation thereto or as otherwise permitted by the Respectful Community and Workplace Policy. Note that in almost all complaints, the AMS will have to disclose to the party being accused of Bullying and Harassment or Discrimination, and potential witnesses enough information about the complaint to allow them to give meaningful evidence. This may involve or result in the disclosure of information in this form. If you have any questions about the collection or disclosure of this information, please contact the AMS Human Resources Manager (praneetsandhu@ams.ubc.ca) or the AMS Ombudsperson (ombudsperson@ams.ubc.ca).

#### SECTION A: YOUR INFORMATION

First name:

Last name:

Contact information:

#### SECTION B: INFORMATION ABOUT THE INDIVIDUAL YOU ARE REPORTING

First name:

Last name: Are they (select all that apply):

AMS Member (i.e. UBC Student)

If known, what organization or group(s) is this person affiliated with?

AMS Staff (i.e. works for in AMS)

If known, what is their job, title, or department?

Background Unknown

Additional Information

How do you know the individual?

Do you have any contact information for them (i.e. email address, phone number, etc.)?

#### SECTION C: INCIDENT INFORMATION

Date of incident(s):

Name(s) and contact information of any witnesses: Was the Incident (select all that apply): Bullying and Harassment Discrimination Other (please describe the incident here): Please describe the incident below (you do not need to provide full details for the purpose of submitting this Report):

The investigator may contact you if they require more information.

AMS prohibits retaliation for filing a Report. If you are intimidated, threatened, or harassed as a result of completing this Report please immediately contact the entity to whom you submitted the Report – i.e. either the AMS Ombudsperson or AMS Human Resources Manager. In addition:

- For health and support, please contact AMS SASC.
- If there is any concern about your safety, please contact the police.

By signing below, I understand that:

a) I am submitting a formal complaint to the AMS Ombudsperson or AMS Human Resources Manager, under the AMS Respectful Community and Workplace Policy.

b) This report will be used for the purpose of potentially investigating the alleged incident of Bullying and Harassment and/or Discrimination.

c) If the AMS begins an investigation, information used in this report may be used to as part of the investigation.

d) The information provided by me in this form is true to the best of my knowledge and belief.

Your signature: \_\_\_\_\_ Date: \_\_\_\_\_