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## Maintaining a Respectful Community

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Owner:	VP FA
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### **POLICY STATEMENT**

New Brunswick Community College (NBCC) is committed to fostering a healthy, safe and supportive community. The College will promote a culture that values diversity, and where all persons are treated with respect and dignity. This policy constitutes the College's Harassment Code of Practice pursuant to the *Occupational Health and Safety Act (91)*.

### **PURPOSE**

This policy outlines NBCC's commitment to maintaining a respectful community and provides guidance on dealing with incidents through formal and informal processes. It also provides examples of behaviours that are unacceptable to maintaining a respectful community.

### **SCOPE AND LIMITATIONS**

This policy applies to all employees of NBCC including volunteers, staff, contractors, fee for service individuals and clients.

The policy also has limited scope for student complaints; specifically, when a student alleges misconduct by an NBCC employee, volunteer, staff, contractor, fee for service individual or client. Where a student alleges misconduct by another student, a complaint must be filed under the Student Issues and Complaints Policy.

### **1.0 DEFINITIONS**

The term "**community**" in this policy includes:

- NBCC Regional sites including Corporate office
- Off-site training facilities arranged by NBCC for work or education purposes
- Business or educational travel as part of an official NBCC function or education program
- Conference attendance when approved by NBCC
- Company, rental or personal vehicles used for work or as part of an official NBCC function or education program
- Participation in NBCC-related social gatherings

### **2.0 IMPLEMENTATION**

Managers and supervisors have an inherent right to manage all operational requirements in the workplace, including attendance, performance and conduct. In carrying out these functions, managers and supervisors will treat employees with dignity and respect in all written and face-to-face communications.

All NBCC employees and students have the right to work and learn in an environment free from harassment and discrimination. Everyone is responsible for modeling and creating a respectful

workplace. All NBCC employees will treat employees and students with dignity and respect in all written, face-to-face and virtual communications.

## 2.1 Behaviours Which Are Unacceptable

**2.1.1 Personal Disrespect** is objectionable or offensive behaviour that is directed at an individual and is known, or ought reasonably to be known, to be unwelcome. This includes objectionable conduct, comments or displays made on either a one-time or continuous basis that demeans, belittles or causes personal humiliation or embarrassment.

Examples include, but are not limited to:

- a) bullying behaviour
- b) rumour or gossip
- c) isolation and exclusion
- d) denigration of a student, co-worker, colleague or person in authority (face-to-face or through social media)

**2.1.2 Discrimination** is the unequal treatment of people based on identifiable characteristics which grounds are protected by the *New Brunswick Human Rights Act* as race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, gender identity or expression, sex (includes pregnancy, the possibility of pregnancy or circumstances related to pregnancy), social condition, political belief or activity.

**2.1.3 Sexual Harassment** is any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to an individual. It is conduct or comments of a sexual nature that is known, or ought reasonably to be known, to be unwelcome. Sexual harassment includes behaviour that might reasonably be perceived by a person as placing a condition of a sexual nature on employment or any opportunity for training or promotion.

Examples include, but are not limited to:

- a) leering
- b) sexist jokes
- c) display of sexually offensive material
- d) use of sexually degrading words to describe a person
- e) derogatory or degrading remarks about sexual orientation
- f) sexually suggestive or obscene comments or gestures
- g) inquiries or comments about a person's sex life
- h) unwelcome sexual flirtations, repeated unwanted social or sexual invitations
- i) unwanted touching
- j) sexual assault

**2.1.4 Abuse of Authority** is an individual's improper use of the power and/or authority inherent in a position to jeopardize other employee's jobs, to undermine job performance, to threaten the economic livelihood of employees, or in any way to

interfere with or influence an employee's career. It is the exercise of authority in a manner serving no legitimate work or educational purpose and ought reasonably to be known to be inappropriate.

Examples include, but are not limited to:

- a) intimidation
- b) threats of dismissal
- c) insults
- d) physical contact
- e) coercion

**2.1.5 Creating a Poisoned Community Environment** is usually characterized by demonstrating offensive or intimidating behaviour that creates a negative community environment. It can be directed at an individual, a group or no one in particular. A poisoned community environment can be created by employees by the supervisor or manager or where there is generally little or no effort by an authority figure to restrain or correct the offensive or hostile behaviour by those under their supervision.

**2.1.6 Workplace violence** is physical violence and psychological violence, including bullying, mobbing, teasing, ridicule or any other act or words that could psychologically offend or isolate a person in the workplace or learning community.

**2.1.7 Use of Social Media** to threaten, harass or abuse.

Social media is any form of electronic or digital medium of communication including email, voice mail, Facebook, Twitter, instant messaging, texting, sexting and blogging.

The misuse of social media and its impact is not restricted to the physical workplace.

## 2.2 Roles and Responsibilities

### 2.2.1 Joint and Shared Responsibilities

Everyone in the NBCC community shares responsibility for creating and maintaining a respectful environment at the College.

**Supervisors and Managers** are expected to model respectful behaviour at all times and take action to intervene if they observe any disrespectful conduct or behaviour.

This responsibility is to be discharged by:

- a) incorporating and promoting the principles of this policy
- b) providing advice and support to all employees in resolving workplace conflicts
- c) making employees and contractors aware of the policy and guidelines and providing information or training sessions as required

**A complainant** is an individual who believes that they have been disrespected.

**A respondent** is an individual against whom a complaint has been brought.

**Investigators** are external trained personnel appointed by the Vice President – Employee and Student Development or their designate, to conduct an investigation into complaints under this policy.

### 2.2.2 Timelines

The timeline for filing a complaint under this policy is within one year from the date of the alleged impugned conduct.

If the matter is a Human Rights ground of discrimination, the timelines of the *Human Rights Act* (1 year) will be adopted.

## 2.3 Procedure

In keeping with the values of respect, teamwork and wellbeing, it is understood that everyone will be supported through either process, formal or informal.

NBCC, upon knowledge of an incident pursuant to this policy, has the right to proceed with the formal or informal process.

### 2.3.1 Informal Process

- a) Employees and students are encouraged to deal with the incident(s) by communicating directly to the person displaying behaviour that is disrespectful, unwelcome and/or unwanted.
- b) If the employee is not able to approach the coworker to attempt to resolve the issue, he/she may seek help from the supervisor or manager.
- c) If a student is not able to approach the staff member to attempt to resolve the issue, they may seek help from the Manager of Student Services.
- d) The following options are available:
  - i) Preparing the employee to deal directly with the person
  - ii) Conducting a facilitated discussion between the parties
  - iii) Providing mediation to the parties (especially if there is a continued future working relationship)
  - iv) Preparing the employee to proceed with the formal process, if the informal process is not possible.

Using the informal process does not preclude the use of the formal process (at the employee's, Student's or employer's request).

### 2.3.2 Formal Process

The formal process may be initiated by the complainant or by NBCC.

NBCC must address all formal complaints and exercise due diligence in determining whether a full investigation is warranted.

- a) The complainant will prepare a written complaint, describing the incidents or allegations of disrespectful conduct including names, dates and times within the preceding year.
- b) The complaint will be forwarded to the Vice President – Employee and Student Development who will decide if a full investigation is warranted and

- appoint an investigator to commence an investigation if required.
- c) The respondent will be advised in writing that a complaint has been filed, the nature of the complaint and that an investigator has been appointed.
  - d) If there is a reporting relationship between the parties, it may be necessary to separate them hierarchically or physically during the investigative process.
  - e) All parties in an investigation have the right to be accompanied by an advocate of their choice during the interview process.

#### **Investigator's Role**

- a) The investigator ensures that due process is followed from the start to the completion of the investigation.
- b) The investigator may during the process make a recommendation for the parties to attempt resolution.
- c) The investigator will gather evidence, conduct interviews and make a finding pursuant to the definitions and spirit of the policy.
- d) The conclusion will be whether the complaint has merit.
- e) The investigative report will be submitted to the Vice President – Employee and Student Development within three (3) months, unless there are extenuating circumstances.
- f) The investigator, if requested by NBCC, will provide recommendations (under separate cover). Recommendations will not be part of the report.

#### **Notice to Parties**

The employer will notify the Complainant and Respondent of the investigative findings within three (3) weeks of receipt unless there are extenuating circumstances.

## **2.4 Additional Complaint Processes**

Other options available to the complainant, in addition to the formal process, include:

- a) **Human Rights Commission:** for any issues coming within the protected grounds of discrimination pursuant to the NB Human Rights Act.
- b) **Criminal Code of Canada:** for any matters falling within a criminal offence, the employee may contact the police to do an investigation.
- c) **Legal Counsel:** an employee has the right to consult legal counsel (at the employee's expense).

## **2.5 Post Investigation**

After an investigation pursuant to this policy, both parties will be advised of the findings. The employer will take action if warranted (remedial or corrective), following a review of the report.

If the investigator finds that a complaint was made vexatiously or with malice, the complainant may be subject to discipline.

The investigative report findings are final. There is no appeal process.

Confidentiality will be maintained throughout the entire process as much as is practical within the parameters of disclosure, due process, and privacy laws and workplace operational requirements.

NBCC is committed to providing ongoing support through Employee Family Assistance Program (EFAP), counseling, coaching and any other proactive measures to anyone needing assistance following the investigative process.

### **3.0 OTHER RELATED DOCUMENTS**

Not applicable.