

## Options to pursue formal complaint of harassment, bullying, or discrimination

### Internal BCIT Complaint Options

An individual can choose only one formal complaint process at BCIT to deal with the same issue. Anyone considering pursuing a formal complaint is encouraged to discuss their options with their union representative or student advocate. This document is intended to provide only a very brief overview of each option. Note that when appropriate individuals are encouraged to first attempt to address their concerns informally prior to filing a formal complaint. If there is any conflict with legislation, BCIT policies, or collective agreements, those documents will prevail.

Complaint Option	Description	Pros & Cons	For more information
Pursue through the <b>Respect, Diversity, and Inclusion (RDI) Office</b> under BCIT's <i>Harassment and Discrimination Policy</i> .	<ul style="list-style-type: none"> <li>• <b>Applicable to students, staff, and faculty.</b></li> <li>• Written Complaint required and shared with Respondent.</li> <li>• Must usually be filed within one year of the incident.</li> <li>• Policy allows for informal resolution processes if both parties agree.</li> <li>• Investigation involves interviewing witnesses, and reviewing evidence.</li> <li>• Complainant and Respondent will receive a confidential investigation report outlining the evidence, and determining whether, on a balance of probabilities, the H&amp;D Policy was violated along with reasons for that finding.</li> <li>• Filing a complaint does not mean something is “on the record.”</li> <li>• If Respondent is found to have violated policy the report will be sent to Human Resources/Labour Relations (or to Student Success if Respondent is student) to determine outcomes/discipline.</li> </ul>	<ul style="list-style-type: none"> <li>• Interim measures possible during investigation.</li> <li>• Investigator can determine, only whether the H&amp;D policy was violated and cannot consider other matters.</li> <li>• Investigation may take a number of months.</li> <li>• Parties receive detailed report of investigation.</li> <li>• Parties cannot discuss the investigation or share the report with anyone other than their representative.</li> <li>• Complainant will not be advised of what discipline (if any) is issued.</li> </ul>	<p>Contact:</p> <ul style="list-style-type: none"> <li>• <a href="mailto:respect@bcit.ca">Respect, Diversity &amp; Inclusion Office</a> <a href="mailto:respect@bcit.ca">respect@bcit.ca</a></li> </ul> <p>See:</p> <ul style="list-style-type: none"> <li>• <a href="#">Harassment and Discrimination Policy 7507</a></li> <li>• <a href="#">Harassment and Discrimination Procedure 7507</a></li> <li>• <a href="#">Harassment and Discrimination Complaint Process FAQ</a></li> </ul>

The British Columbia Institute of Technology acknowledges that our campuses are located on the unceded traditional territories of the Coast Salish Nations of [xwməθkwəy̓əm](#) (Musqueam), [Skwxwú7mesh](#) (Squamish), and [səlilwətaʔt](#) (Tsleil-Waututh).

Complaint Option	Description	Pros & Cons	For more information
Pursue through the <b>Student Life Office</b> under the <i>Student Code of Conduct (non-academic) Policy</i> .	<ul style="list-style-type: none"> <li><b>Only reports of student conduct will be accepted (faculty or staff behaviour not included).</b></li> <li>Anyone can make a report of a breach of the policy, not just the recipient of misconduct.</li> <li>Written report submitted via <a href="#">incident report form</a>.</li> <li>Policy covers a wide range of behaviours, so behaviour does not necessarily have to meet the same definitions as in the Harassment and Discrimination Policy to be considered investigated or acted upon.</li> <li>Respondent will be made aware of the nature of allegation.</li> <li>Alternative or informal dispute resolution possible.</li> <li>In most cases, conduct is investigated, including interviewing individual who made the report, the respondent, witnesses, etc.</li> <li>If student is found to have violated the policy, administrative resolutions may be applied (e.g. educational sanctions; loss of privileges; recommendation for suspension to the President; etc.)</li> <li>Complainant will only know information about the outcome that is essential to their study and student status at BCIT (outcomes are confidential).</li> </ul>	<ul style="list-style-type: none"> <li>Conduct needing immediate attention will be addressed quickly with interim measures while investigation is ongoing (e.g. no-contact requirement put in place).</li> <li>Full investigation may take multiple weeks/months depending on complexity.</li> <li>Complainant will not receive written report of the investigation and, typically, will not be advised of Respondent discipline.</li> <li>Investigating office is same office responsible for deciding on and implementing outcomes/discipline.</li> </ul>	<p>Contact:</p> <ul style="list-style-type: none"> <li><a href="#">Student Life Office</a></li> </ul> <p>See:</p> <ul style="list-style-type: none"> <li><a href="#">Student Code of Conduct (Non-Academic) Policy 5102</a></li> <li><a href="#">Procedures for Violations of the Student Code of Conduct (Non-Academic)</a></li> <li><a href="#">Online Report Form for reporting Student Conduct concerns</a></li> </ul>
Complaint Option	Description	Pros & Cons	For more information
Pursue through Human Resources (HR) and/or Labour Relations (LR).	<ul style="list-style-type: none"> <li>Complaints will be investigated and all complaints will be considered on the record.</li> <li><b>Employees or students can file against employees.</b></li> </ul>	<ul style="list-style-type: none"> <li>Interim measures possible during investigation.</li> <li>Investigations completed in timely manner.</li> </ul>	<p>Contact:</p> <ul style="list-style-type: none"> <li><a href="#">Human Resources</a></li> </ul>

Complaint Option	Description	Pros & Cons	For more information
Individuals who wish to pursue a formal complaint under BCIT's <i>Sexual Violence and Misconduct Policy</i> can choose which complaint option to pursue.	<ul style="list-style-type: none"> <li>If the Respondent is a BCIT student or employee, a complaint can be made under <a href="#">Policy 7507, Harassment and Discrimination</a> through the <a href="#">Respect, Diversity, and Inclusion Office</a>.</li> <li>If the Respondent is a BCIT student, a complaint can be made under <a href="#">Policy 5102, Student Code of Conduct (Non-Academic)</a> through the <a href="#">Student Life Office</a>.</li> </ul>	<ul style="list-style-type: none"> <li>See other sections of chart for further detail on process and limitations of each option.</li> </ul>	<p>Contact:</p> <ul style="list-style-type: none"> <li><a href="#">Senior Director of Safety, security, and emergency management</a></li> </ul> <p>See:</p> <ul style="list-style-type: none"> <li><a href="#">BCIT's Sexual Violence &amp; Misconduct webpage</a></li> </ul>

	<ul style="list-style-type: none"> <li>If the Respondent is a BCIT Student living in Housing (where the incident occurred in Housing), a complaint can be made under the <a href="#">Residence Standards and Regulations</a>;</li> <li>If the Respondent is a BCIT employee, report to the appropriate supervisor, manager, and/or <a href="#">human resources</a> for investigation.</li> </ul>		<ul style="list-style-type: none"> <li><a href="#">Sexual Violence and Misconduct Policy 7103</a></li> <li><a href="#">Response to Sexual Violence and Misconduct Procedure 7103-PR1</a></li> </ul>
Complaint options external to BCIT			
Complaint Option	Description	Pros & Cons	For more information
<b>Police or RCMP</b>	<ul style="list-style-type: none"> <li>Criminal activity can be reported for investigation.</li> <li>Limited to conduct that violates Criminal Code of Canada.</li> <li>Process may include gathering evidence and cross-examination of witnesses and complainant.</li> <li>May generate public records.</li> <li>A criminal conviction requires proof beyond reasonable doubt.</li> </ul>	<ul style="list-style-type: none"> <li>Process is generally very slow and may take several years to complete.</li> </ul>	Contact: <ul style="list-style-type: none"> <li>Delta Police 604-946-4411</li> <li>Richmond RCMP 604-278-1212</li> <li>Burnaby RCMP 604-294-7922</li> <li>Vancouver Police 604-717-3321</li> <li>North Vancouver RCMP 604-985-1311</li> </ul> See: <ul style="list-style-type: none"> <li><a href="#">How to Report a Crime</a></li> </ul>
Complaint Option	Description	Pros & Cons	For more information
<b>Civil Action through the court system</b>	<ul style="list-style-type: none"> <li>A lawsuit can be filed in court for compensation by a Complainant whose rights have been violated.</li> <li>There are generally strict time limits.</li> <li>Burden of proof for a civil case is lower than for a criminal one.</li> <li>Process includes cross-examination of all involved parties.</li> <li>Generates public records.</li> </ul>	<ul style="list-style-type: none"> <li>Not available to unionized employees if matter is covered by collective agreement, as they would instead file grievance.</li> <li>Process is usually slow and may take several years.</li> <li>May result in costly legal fees.</li> </ul>	Contact: <ul style="list-style-type: none"> <li>An attorney for legal advice (at your own expense)</li> </ul> See: <ul style="list-style-type: none"> <li>The Law Society of BC provides <a href="#">legal resources for the public</a>.</li> <li><a href="#">Court BC Online Help Guide</a></li> </ul>
Complaint Option	Description	Pros & Cons	For more information
<b>Pursue through the BC Human Rights Tribunal under the <i>Human Rights Code</i> (BC).</b>	<ul style="list-style-type: none"> <li>Written complaint required.</li> <li>Must normally be filed within one year.</li> <li>Tribunal can only determine matters related to harassment or discrimination related to a <a href="#">personal characteristic</a>. (e.g. ancestry, disability, religion, gender, family status etc.)</li> <li>Mediation/settlement options may be available.</li> <li>If matter goes to a hearing the written decision will be public.</li> </ul>	<ul style="list-style-type: none"> <li>Process may take several years.</li> <li>Either party is allowed to bring legal counsel but it is not required.</li> </ul>	Contact: <ul style="list-style-type: none"> <li><a href="#">BC Human Rights Tribunal</a> 604-775-2020 <a href="mailto:BCHumanRightsTribunal@gov.mb.ca">BCHumanRightsTribunal@gov.mb.ca</a></li> </ul> See: <ul style="list-style-type: none"> <li><a href="#">Complaint Process</a></li> <li><a href="#">BC Human Rights Code</a></li> <li><a href="#">BC Human Rights Clinic</a></li> </ul>

Complaint Option	Description	Pros & Cons	For more information
Pursue through <b>Worksafe BC</b> under the <i>Workers Compensation Act</i> .	<ul style="list-style-type: none"> <li>Only accepts complaints about violations of Workers Compensation Act including Workplace Bullying/Harassment.</li> <li>Employees are expected to submit a complaint to their employer before submitting a complaint to WorkSafeBC.</li> <li>WorkSafeBC will generally only inquire into allegations of workplace bullying/harassment where there are reasonable grounds to believe an employer has failed to address the issue.</li> </ul>	<ul style="list-style-type: none"> <li>Process only available to employees not students.</li> <li>WorkSafeBC will not resolve or mediate disputes or conflicts but rather will ensure the employer conducted a fair investigation.</li> </ul>	<p>Contact:</p> <ul style="list-style-type: none"> <li><a href="https://www.worksafebc.com">WorkSafeBC</a> 1-888-276-3100</li> </ul> <p>See:</p> <ul style="list-style-type: none"> <li><a href="#">Bullying &amp; Harassment Information</a></li> <li><a href="#">Bullying &amp; Harassment FAQ</a></li> </ul>