

Harassment & Discrimination Complaint Process

This document is intended to provide a *brief overview* of the Harassment and Discrimination Complaint Process. If there is any conflict between this document and BCIT policies, collective agreements, or applicable legislation those documents prevail. The RDI Office can be contacted to provide more detailed information about the Policy or Procedure.

What conduct is prohibited under BCIT's Harassment and Discrimination Policy?

BCIT's [Harassment and Discrimination Policy 7507](#) and [Procedure](#) applies to all BCIT students, and all BCIT employees including contract employees and auxiliary staff. It applies to all work or education related activities including online communications, and off-campus activities.

The Policy prohibits:

- Sexual Harassment;
- Personal Harassment;
- Workplace Bullying and Harassment;
- Discrimination or harassment on the basis of a personal characteristic or protected ground.

To see detailed definitions of harassment, bullying, discrimination, and a list of personal characteristics/protected grounds please review the [Policy](#).

What should I do if I am being discriminated against, harassed, or bullied?

- Document the behaviour
 - Keep a written record that details the concerning incidents, comments, or behaviour, who said it, when it occurred, who witnessed it, and what actions (if any) you took to address it.
- Consider addressing the behaviour yourself
 - Although you are not required to tell the other person to stop, when possible, and only if you feel comfortable doing so, you are encouraged to try and resolve your concern by raising the issue with the other person. It can often be helpful to focus on the **impact** their actions or comments had on you when discussing your concern, rather than focusing on what you assume their intent was. Some people may be unaware of how their actions or comments have impacted you and will change their behaviour once brought to their attention.
- Report the behaviour
 - All *employees* are required to contribute to a safe working environment. Therefore, it is important to report bullying that has been experienced or observed, even if there is no desire to make a formal complaint.

- Employees and students are strongly encouraged to report any instances of harassment or discrimination to a person in authority, especially if they have been unable to resolve it themselves.
- Instances of discrimination, harassment, or bullying can be reported to any of the following:

For Staff:

- Your direct supervisor, or if the bully/harasser is your supervisor, report to their manager;
- Your Union Representative;
- [Your Health and Safety Representative](#);
- [The Human Resources Department](#);
- [The Respect, Diversity, and Inclusion \(RDI\) Office](#);

For Students:

- Your Instructor, Program Head, or Associate Dean;
- [The Student Life Office](#);
- [The Student Association Advocacy Office](#);
- [Student Judicial Affairs](#) (if the bullying or harassment is coming from a student);
- [The Respect, Diversity, and Inclusion \(RDI\) Office](#).

What will the RDI Office do if I have been discriminated against, bullied, or harassed?

You can contact the RDI Office with any concern that you believe may be related to harassment, bullying, or discrimination. The RDI Office will provide you options on how to proceed based on the nature of your concern.

The RDI Office does not act as an advocate for either party in a dispute. Rather the RDI Representative can provide information about the Policy and complaint process, and can act as a neutral facilitator/mediator to help the parties voluntarily resolve a concern, or as a neutral fact finder when an Investigation is requested. The RDI Office usually deals with the Complainant directly, but can also deal with a Union representative with the Complainant's permission.

The RDI Office does not issue discipline and does not have the authority to order parties to take or refrain from taking any specific action.

What does the Informal Resolution Process entail?

In the Informal Resolution Process the RDI Representative works with the parties to resolve a concern related to discrimination, harassment, or bullying, by facilitating a conversation or sharing of information – when a formal complaint has not been filed. The goal is to reach a mutually agreeable resolution to address the concern that was brought forth. The process is entirely voluntary, and does not involve discipline. Rather, the RDI Representative will assist the parties in working collaboratively to address the concern that has been raised. This may involve sharing information about the impact on person's actions had on another, resolving misunderstandings, reminding the parties of expectations for behaviour under the H&D Policy, and problem solving to facilitate a respectful work or learning environment.

When and how should a Formal Complaint be filed with the RDI office?

An employee or student may choose to file a Formal (written) Complaint if they believe a member of the BCIT community has harassed, bullied, or discriminated against them as defined in the [Harassment and Discrimination Policy 7507](#) and [Procedure](#).

It is strongly recommended that before completing a complaint form you first discuss your concern with the RDI Office as well as your union (or with Human Resources for excluded staff), or for students, with a Student Advocate. Often trying to address the concern informally, without a formal complaint, will be a quicker and less adversarial option.

To file a Formal Complaint contact the RDI Office to request the complaint form. Follow the instructions on the form to complete it. A copy of your completed complaint form will be provided to the Respondent (the person the complaint is about).

Formal Complaints must usually be filed within one year of the last alleged incident of discrimination, harassment, or bullying.

What do I do if a Formal Written Complaint has been filed against me?

If you have been named as the Respondent in a Formal Complaint, you will be provided a copy of the complaint. You will also be notified as to whether the Complainant (the person who filed the complaint) is willing to try to resolve their complaint through the Formal Resolution Process, or has requested an investigation. It is strongly suggested you contact your union (or Human Resources for excluded staff), or if you are a student you can contact the Student's Advocate Office.

Remember, just because a complaint has been filed against you does not mean you have been found to have breached the Policy. You will have an opportunity to discuss your version of events with the RDI Advisor.

What does the Formal Resolution Process entail?

The Formal Resolution Process, sometimes called mediation, is a voluntary process where the parties, with the assistance of a facilitator (who often is a member of the RDI Office) will work to reach a mutually agreeable solution that will address the concerns raised in the Formal Complaint. Discipline is not issued through this process, rather the goal is to achieve a respectful work and learning environment. If an agreement about how to resolve the complaint is reached, the complaint will not proceed further and will not be investigated.

If one of the parties do not wish to participate in a mediation, this will not be held against them.

What does the Investigation Process entail?

If a Formal Complaint is not voluntarily resolved the Complainant may request an Investigation to determine whether the Respondent has violated the Harassment and Discrimination Policy. The Investigator may be a member of the RDI team or may be someone hired from outside of BCIT. The

Investigator will arrange to interview the Complainant, Respondent, and other relevant witnesses (if applicable) and review any relevant evidence.

The length of an investigation will vary depending on factors such as the number of witnesses to be interviewed and their availability – in most cases an investigation will take at least a few months. When required, interim measures will be taken to ensure the safety of all parties pending the outcome of an investigation.

At the conclusion of the investigation, a confidential Investigation Report will be prepared and shared with the Complainant and Respondent. The report will summarize information provided in interviews and other evidence, indicate whether or not the [Harassment and Discrimination Policy 7507](#) was contravened, and provide the reasons for that decision.

If an Investigation finds there was a contravention of the Policy, the RDI Office does not determine the remedy or discipline, but rather the Investigation Report will be provided to Human Resources (if the Respondent is an employee) or to the Registrar's Office (if the Respondent is a student), to consider what further action or discipline (if any) is appropriate.

Is the complaint process confidential?

In most cases requests to the RDI Representative for advice or information will be kept confidential, as will the name of any person filing a complaint (the Complainant), the person the complaint is against (the Respondent), and the circumstances of the complaint. However, there are limited situations where it may be necessary to disclose information, such as where there are safety concerns, where it is necessary to resolve or investigate the complaint, and where required by law.

The complaint will not be added to a person's personnel file, unless there is a finding that they have breached the Policy (in which case, the report is sent to HR as mentioned above).