BULLYING AND HARRASSMENT POLICY

Policy Authority: Vice-President, People, Equity and Inclusion

Associated Procedure: Bullying and Harassment Procedures

EXECUTIVE SUMMARY

This policy defines bullying and harassment and proscribes this behavior in accordance with the Occupational Health and Safety (“OHS”) provisions under the *Workers Compensation Act* and, in a consistent manner, more broadly to members of the University Community including students. The policy provides for education and prevention and informs university members of the supports and resources available to them if they experience bullying and harassment. The policy also establishes mechanisms for reporting and responding to bullying and harassment. To file a complaint, the policy establishes a central intake process based on a Report Form to Safety and Risk Services, who will direct it to the Responsible Office for the Respondent for action. This process for responding to the Report is not intended to replace informal discussions between the parties, their constituency organizations, and university administrators however it establishes a clear process for making a Report for action. The Responsible Office will review the Report Form and is responsible for responding to the Report in a timely manner including, as appropriate:

1. **Informal Resolution** where the Responsible Office will work collaboratively with the Complainant and Respondent, their constituency organizations and supervisors, as appropriate, to determine an informal resolution to the Report.

2. **Investigations** which will form the basis for a decision by the Office of Student Support, Rights and Responsibilities (for student Respondents) or by the Respondent’s Supervisor (for employee Respondents) and the imposition of any corrective measures, including disciplinary sanctions.

The Chief Safety Officer is responsible for aggregating data from various units, providing an annual report to the Board of Governors, and reporting on compliance to WorkSafeBC.
1.0 PREAMBLE

1.1 Simon Fraser University (“the University”) is committed to providing a healthy, safe, and respectful learning, teaching, research, and work environment in which bullying and harassment are neither acceptable nor tolerated. As an academic institution, the University promotes teaching, scholarship and research, and the free and critical discussion of ideas.

1.2 The University acknowledges the diversity of its members and recognizes that bullying and harassment, when it occurs, will impact each person differently, and will be informed by social identities, vulnerabilities, and position within the University’s structures and hierarchies.

1.3 This policy sets out the University’s framework and strategy to address bullying and harassment.

2.0 PURPOSE

2.1 The purpose of this policy is to instill and cultivate institutional, collective, and individual responsibility for creating and maintaining a respectful working and learning environment and, specifically, to:

2.1.1 increase awareness of bullying and harassment and to reduce or prevent its occurrence through education and training;

2.1.2 establish a process for addressing incidents of bullying and harassment that occur between, by, and of members of the University Community; and

2.1.3 assign responsibility for addressing bullying and harassment when it occurs and for responding to and managing Reports.
3.0 SCOPE AND JURISDICTION

3.1 This policy applies to and prohibits bullying or harassment by a member of the University Community against another member of the University Community that is alleged to have occurred:

3.1.1 on any property that is controlled by the University and used for University purposes; or

3.1.2 at or during an in-person or virtual meeting, event, or activity that is sponsored by or under the auspices of the University, or in furtherance of University business; or

3.1.3 using the University’s Information and Communications Technology resources; or

3.1.4 when the Respondent was in a position of power or influence over the Complainant’s academic or employment status at the time of the reported incident.

3.2 This policy also applies to and prohibits bullying and harassment of a member of the University Community by a person who is not a member of the University Community, which occurs on any property that is controlled by the University and used for University purposes. In such cases the University will, within the limits of its legal right to do so, endeavor to restrict that person’s access to, or remove that person from, University property.

3.3 This policy is not to be interpreted or applied as derogating from the University’s right as an employer to investigate and, where warranted, to take action against an employee for bullying and harassment of a member of the University Community, wherever it occurs, if there is a nexus to the workplace.

3.4 This policy is not to be interpreted, administered, or applied in such a way as to infringe upon the legitimate exercise of Academic Freedom by a member of the University Community. As part of their teaching and research activities, members of the University Community are entitled to engage in frank discussion of potentially controversial matters which are related to their subjects. This freedom must be based on mutual respect for the opinions of other members of the academic community.

3.5 This policy does not prevent a member of the University Community from exercising any rights they may have, including the right to file a complaint or claim with WorkSafe BC or with the British Columbia Human Rights Tribunal, or to pursue a criminal or civil remedy.

4.0 DEFINITIONS

4.1 See Appendix A for the definitions of words used in this policy and its associated procedures.
5.0 POLICY

Prohibited Conduct

5.1 All members of the University Community are responsible for establishing and maintaining a respectful working and learning environment.

5.2 All members of the University Community are expected to model respectful behaviour and to:

5.2.1 refrain from engaging in or condoning bullying and harassment;

5.2.2 take action to minimize or prevent its occurrence; and

5.2.3 observe and comply with the University’s policies, procedures, and processes for bullying and harassment.

5.3 Bullying and harassment is unacceptable and prohibited conduct that, if found to have occurred, may result in a range of corrective measures or disciplinary sanctions including, where appropriate, dismissal or permanent suspension.

5.4 Retaliation is unacceptable and prohibited conduct that, if found to have occurred, may result in a range of corrective measures and disciplinary sanctions including, where appropriate, dismissal or permanent suspension.

5.5 Making a deliberately misleading Report of bullying and harassment is unacceptable and prohibited conduct that, if found to have occurred, may result in a range of corrective measures and disciplinary sanctions. Making a report about bullying and harassment based on a genuinely held but mistaken belief that bullying and harassment occurred in not considered to be deliberately misleading.

Education and Prevention

5.6 The University will implement and actively promote education, awareness, and training to recognize, prevent, and address bullying and harassment.

5.6.1 Safety and Risk Services will, in collaboration with Human Resources, Faculty Relations, the Office of Student Support, Rights, Responsibilities and other relevant partners develop, coordinate, promote, implement, and oversee the Respectful Workplace Educational Component for all members of the University Community to whom the University’s WorkSafeBC coverage applies, compliant with occupational health and safety standards and statutory requirements, and designed to recognize, reduce, prevent, and respond to bullying and harassment. The Respectful Workplace Educational Component will include education about psychological health and safety, and rights and responsibilities under WorkSafeBC and under this policy.

5.6.2 Student Services will, in collaboration with relevant partners, develop, coordinate, promote, implement, and oversee bullying and harassment awareness and training program for Students and will encourage all Students to participate.
Receiving and Responding to Reports

5.7 The University will:

5.7.1 establish a central intake process for reporting bullying and harassment;

5.7.2 respond to incidents and Reports in an objective, fair, and timely manner, in conformity with the principles of procedural fairness and in accordance with a relevant collective agreement or other applicable University policy or procedure, including notice requirements, timelines, and other related process issues;

5.7.3 take steps, as needed, to address the safety and well-being of the Complainant;

5.7.4 address and resolve incidents and Reports through problem-solving and informal resolution processes whenever possible; and

5.7.5 when bullying and harassment has occurred, make efforts to mitigate the impact of a substantiated Report and take steps to restore a respectful working and learning environment.

6.0 ROLES AND RESPONSIBILITIES

6.1 All members of the University Community are responsible for establishing and maintaining a respectful working and learning environment free from bullying and harassment, which includes taking action to prevent or minimize its occurrence, and for complying with the provisions of this policy and its associated procedures.

6.2 All members of the University Community to whom the University’s WorkSafeBC coverage applies are responsible for completing the University’s Respectful Workplace Educational Component as required by OHS provisions under the *Workers Compensation Act*.

6.3 All University employees must, as required by OHS provisions under the *Workers Compensation Act*, promptly report bullying and harassment they observe or experience. A person who observes bullying and harassment should, prior to reporting it, first make reasonable efforts to inform the person who is being bullied and harassed.

6.4 All members of the University’s executive and senior administration are responsible for:

6.4.1 providing the leadership and management support necessary for the implementation of this policy within their areas of responsibility;

6.4.2 monitoring and evaluating its implementation; and

6.4.3 taking action, as needed, to prevent recurrences of bullying and harassment when it occurs.

6.5 University employees in supervisory positions are responsible for:
6.5.1 informing employees and others under their direct supervision of this policy and its associated procedures;

6.5.2 educating themselves and those in their unit with respect to bullying and harassment;

6.5.3 ensuring the employees under their direct supervision complete the University’s Respectful Workplace Educational Component;

6.5.4 taking steps to intervene when they become aware of circumstances that present a risk of bullying and harassment in order to minimize or prevent the risk;

6.5.5 taking the initiative to seek appropriate advice and guidance to carry out their responsibilities with respect to bullying and harassment.

6.6 In addition to the responsibilities of all University employees in supervisory positions as listed in section 6.5, University employees designated as a Respondent’s Supervisor for the purposes of this policy are responsible for:

6.6.1 addressing Reports in an objective, fair, and timely manner, including notifying and consulting with the relevant University administrative office, as outlined in section 6.8, which is determined by the Respondent’s affiliation to the University;

6.6.2 implementing corrective or other measures to restore a respectful working and learning environment; and

6.6.3 imposing disciplinary sanctions, consistent with the terms of the relevant collective agreement, employment policy or contract

6.7 The University administrative offices listed in section 6.8 are responsible for:

6.7.1 overseeing and managing the University’s response to Reports in an objective, fair, and timely manner;

6.7.2 providing advice and support to University employees in supervisory positions who are addressing incidents and Reports; and

6.7.3 collecting and reporting data.

6.8 The University administrative offices referred to in sections 6.6 and 6.7 are:

6.8.1 Faculty Relations, for Reports about members of the SFUFA bargaining unit;

6.8.2 Human Resources, for Reports about employees who are members of the APSA, CUPE, Poly Party, and TSSU employee groups;

6.8.3 Human Resources, for Reports about excluded employees and members of the University’s Executive or senior administration, including Deans and Associate Deans;

6.8.4 Office of Student Support, Rights, and Responsibilities for Reports about Students;
6.8.5 Office of General Counsel, for Reports about members of the University Community whose affiliation with the University does not fall within section 6.8.1 to 6.8.4.

6.9 The Chief Safety Officer is responsible for:

6.9.1 developing the University’s Respectful Workplace Educational Component in consultation with relevant partners, including Human Resources, Faculty Relations, the Office of Student Support, Rights, and Responsibilities, and the University’s Central Safety Committee;

6.9.2 collecting and aggregating data;

6.9.3 preparing an annual report to the Board of Governors;

6.9.4 reporting on compliance with, and reporting to, WorkSafeBC; and

6.9.5 in consultation with relevant partners, including Human Resources, Faculty Relations, and the Office of Student Support, Rights, and Responsibilities, annual review of the University’s bullying and harassment policy statement and procedures.

7.0 ANNUAL REPORT

7.1 The Chief Safety Officer, in collaboration with Human Resources, Faculty Relations, and the Office of Student Support, Rights, and Responsibilities, will report annually through the President to the Board of Governors on the implementation of this policy. The Chief Safety Officer is responsible for preparing the annual report.

7.2 The annual report will at minimum include a summary of:

7.2.1 the educational activities of the University in relation to bullying and harassment,

7.2.2 the number and types of Reports made under this policy and the method of resolution, and

7.2.3 progress made towards achieving the objectives of this policy.

7.3 The Chief Safety Officer is responsible for fulfilling the University’s reporting obligations to WorkSafeBC.

8.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

8.1 The legal and other University Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:

8.1.1 University Act, R.S.B.C. 1996, c. 468

8.1.2 Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165
8.1.3  Workers Compensation Act, S.B.C. 2019, c.165
8.1.4  Occupational Health & Safety (“OHS”) and WorkSafe BC regulations, policies, and guidelines
8.1.5  SFU’s Information Policies (I 10)
8.1.6  Code of Faculty Ethics and Responsibilities (A 30.01)
8.1.7  University Health and Safety (GP 17)
8.1.8  Human Rights Policy (GP 18)
8.1.9  Response to Violence and Threatening Behaviour (GP 25)
8.1.10 Conflict of Interest Policy (GP 37)
8.1.11 Sexual Violence and Misconduct Prevention, Education, and Support Policy (GP 44)
8.1.12 Student Conduct Policy (S 10.05)
8.1.13 Collective agreements and human resources employment policies.

9.0  ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

9.1  The information and records made and received to administer this policy are subject to the access to information and protection of privacy provisions of British Columbia’s Freedom of Information and Protection of Privacy Act and the University’s Information Policy series.

10.0  RETENTION AND DISPOSAL OF RECORDS

10.1  Information and records made and received to administer this policy are evidence of the University’s actions to address bullying and harassment. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

11.0  POLICY REVIEW

11.1  This policy will be reviewed at least once every 5 years.

11.2  The policy statement, as set out in the procedures, will be reviewed annually.

11.3  The procedures will be reviewed annually.
12.0 POLICY AUTHORITY

12.1 This policy is administered under the authority of the Vice-President, People, Equity and Inclusion.

13.0 INTERPRETATION

13.1 Questions of interpretation or application of this policy or its procedures shall be referred to the Vice-President, People, Equity and Inclusion, who will make a decision which shall be final.

14.0 PROCEDURES AND OTHER ASSOCIATED DOCUMENTS

14.1 Appendix A contains the definitions applicable to this policy and its associated procedures.

14.2 Appendix B contains the Guidelines for Investigations by External Investigators.

14.3 The procedures for this policy are: Bullying and Harassment Procedures